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# LAND TENURE BY REGISTRATION



# LAND TENURE

BY

## REGISTRATION

BY

WILLIAM PILLING

*THIRD EDITION*

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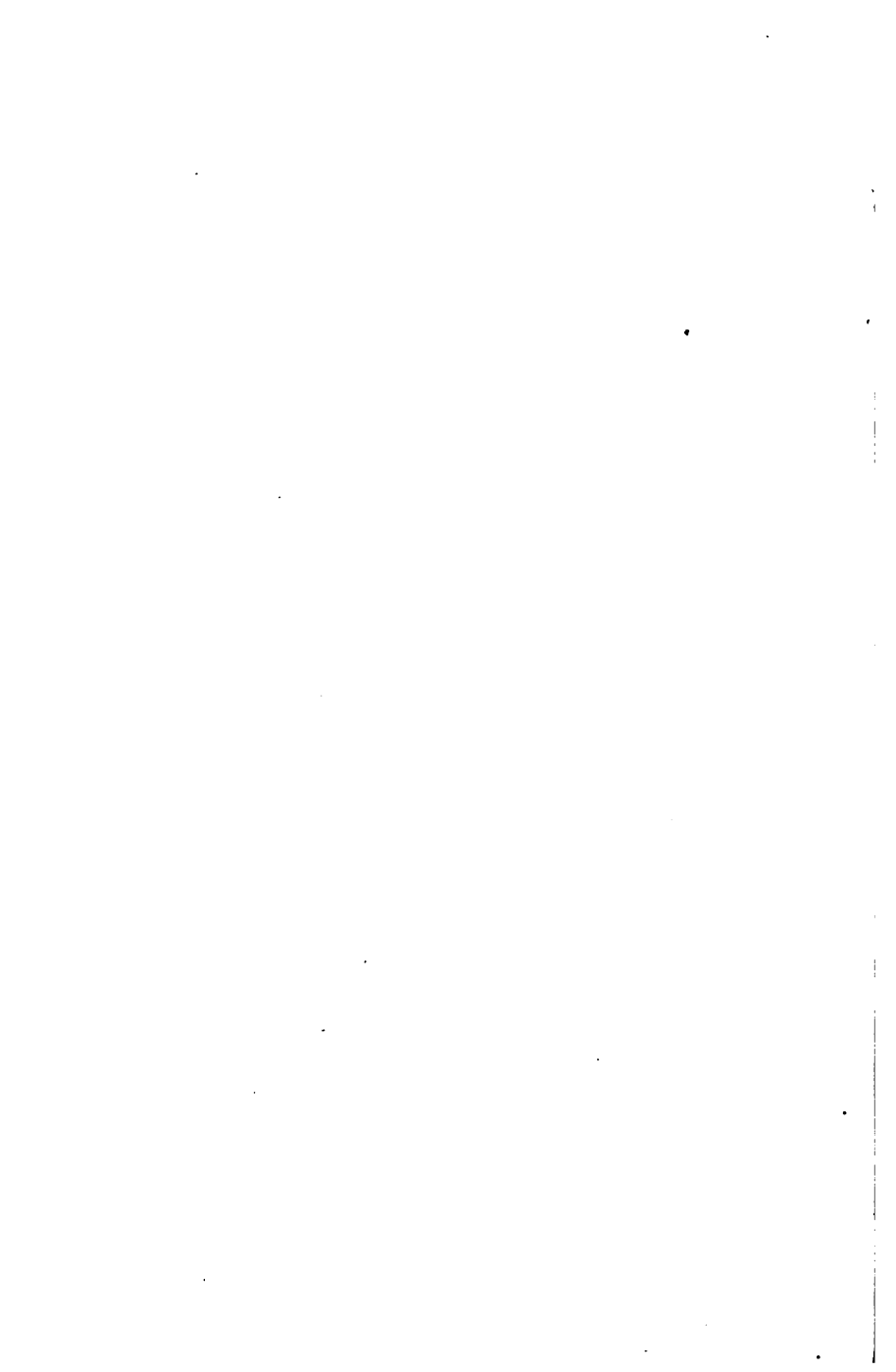
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# LAND TENURE BY REGISTRATION

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## PREAMBLE

LAND NATIONALIZATION is a phrase much in the mouths of a certain class of reformers of the present day. A phrase high-sounding and vague ; mightily comprehensive by reason of its vagueness. To the tenant-farmer, groaning under heavy rents, taxes, and tithes, meaning freedom from these burdens on payment of some small quit-rent to the State. A "three acres and a cow" sort of a phrase to the mind of Hodge, who puts much labour into land of which he may never call one inch his own. A phrase grateful to the heart of the tradesman, who thinks he has made the business which has been brought to his door by municipal extensions and improvements, and who looks upon a rental in proportion to his increasing profit as extortion. A delightful phrase, to which each man may give that interpretation for which his soul craves.

Nevertheless it is a phrase without any true

significance in this United Kingdom of Great Britain and Ireland, for the laws of this kingdom do not recognize any such thing as the ownership of land by individuals, treating of all titles as though they were held in dependence upon the Crown, the representative and figure-head of the nation. Individuals have only certain rights in land, granted originally in return for well-defined services rendered to the State.

This is the one relic of the Feudal System which has survived all changes of dynasty and of government, and though grievously overshadowed and beclouded, it still remains a living fact, a vindication and assertion of the ownership by the nation of all the land lying within its jurisdiction as a nation. Did no such fact exist, that right of ownership is established by natural law, for no nation can exist without land as a basis upon which to establish and develop that edifice of social order which constitutes a nation.

In the eleventh century WILLIAM THE NORMAN crossed the sea with some 60,000 steel-clad robbers at his back, and established himself in this fair land of England. Now William was a notable fighting man and a great soldier, but more especially was he distinguished as a statesman. Upon the rude basis of the communal tenures of the Anglo-Saxons he raised up his FEUDAL SYSTEM, a magnificent system according to the ideas at that time current,



more especially magnificent to his own mind in that it gave to him power and a position such as satisfied even his inordinate ambition. William was but a robber baron, among other barons as ruthless and in some ways as capable as himself. This system made him the chief among them all and KING, and secured these rights to his heirs after him till time should be no more. Among these barons, with powers almost co-equal to his own, but not co-extensive, he divided the whole land; they in like manner divided their lands so begotten among their Knights and Squires, the people on these lands being allotted with them as though they were mere flocks and herds, not living men: yet in divers places the old Anglo-Saxon tenures were untouched, and each man of this people, if he had duties thrust upon him not of his own choosing, had likewise rights conferred upon him such as he had never dreamed of under the ruder system of the Anglo-Saxons.

A TRUE SOCIALISTIC SYSTEM—a pyramid of social order springing from the broad base of an entire people, in which each man had his place clearly defined, and woe be to him who budged from it. Of this pyramid William was himself the apex, the top stone, and all men were subject to him, but subject only in that he was by this system the figure-head and representative of the new Anglo-Norman nation.

By the establishment of this system William did great service to the people over whom he made himself king : he destroyed that Communal System of the Anglo-Saxons, which fostered local jealousies, and was a perennial source of weakness ; he for the first time welded many antagonistic races into one people. Under his iron rule the ENGLISH became a nation.

Yet another service did William the Norman do to the English people, thinking only of their service to himself. He taught them the use of the long-bow, and so compelled the men of England to its study and its exercise, by laws and ordinances, from their boyhood up, that after his time the English bowmen became a terror to all the enemies of England, both on the continent of Europe and on the Scottish border. The times were turbulent, and frequent need was there for the bowmen of England to display their prowess. English knights and men-at-arms met their equals on many a hard-fought field, the English bowmen never. These bowmen, retiring to their homes when the fight was over, told of Crecy, of Poitiers, of Halidon Hill, and of a hundred other great victories, where the cloth-yard shafts from English bows had decided the fortunes of the day. They told also how the grandest army which had ever marched into the heart of Scotland had been utterly routed and destroyed because the proud English knights had

tried to do the fighting by themselves. These tales roused up and nurtured in the breasts of the commoners of England a feeling of sturdy pride and self-sufficiency which has remained their national characteristic even unto the present day, so that while the masses of the people of other nations were ground down as serfs under the pressure of the Feudal System, it was never so in England; even from the days of William the Norman, the Englishman had within him some conscience of his power, some knowledge of his rights as a man.

Under the Feudal System no man could call any land his own, he had only the use of it in return for services due from him; this use was granted to enable him to perform these services; the land appertained to the office, not to the man. Those of the higher grades tilled no land themselves; theirs was the more noble calling of bearing arms, and of dying, if need be, in their country's service. Others tilled their lands for them, giving to them large portion of the produce, and having the right to live and labour in peace; giving only so much labour as was necessary to the raising and to the gathering in of the crops, living, as they did before, in little better state than the beasts of the field. The masses led brutish lives in bitter envy of their Norman and Saxon masters, and the germs of a great people ran coursing through their veins.

Some there were also, styling themselves bishops

and mitred-abbots, who held large tracts of rich land, subject to another king, the King of Heaven ; they amassed great wealth by the labours of other men, who tilled these rich lands for them. And there were yet some others, who bore no arms, neither did they serve in churches, but holding lands by what was called "soccage-tenure," paid annual quit-rent in solid coin to their sovereign lord, who, spite of the broad acres he had attached to his own office, and spite of the free service of his dependent barons, yet found, as other rulers have found since his time, that he could not support his high estate without certain revenue in hard cash.

Such was the organization of this great Feudal System ; LAND NATIONALIZATION reduced from theory to fact by one of the most able statesmen this world has ever seen ; a system which had in it no atom of individual liberty ; a system in which, from the highest to the lowest, all were equally the slaves of DUTY ; a system which paid no heed to the yearning of each man to work out his own life in his own way ; a system which gave to every man a protector, bound to help him in case of need, which protector had a right to call upon him for service and for assistance only as by law established ; the beau-ideal of a grand SOCIALISTIC SCHEME, in which every man was an item in one vast edifice, designed and builded up by the genius and ability of William the Norman.

It was a glorious edifice, complete in all its parts, rising by natural gradation from base to summit; but the component parts of this edifice were not of bricks or of stones but of living men, of men with souls of their own and mental energies striving within them for advancement. The summit was a human life, which passed as all lives do. Those who succeeded to William were men of far inferior ability; his iron hand and commanding genius could alone maintain the orderly co-relation of the discordant elements of which the structure was composed. When he died the process of disintegration at once set in.

The upper courses comprised many men of conspicuous ability, the lower courses consisted of men of sturdy, self-reliant character. Among the barons the process commenced. Young men could succeed to the offices and emoluments held by their fathers deceased only by the goodwill and pleasure of their suzerain. Then came in the lawyers, who invented the LAW OF ENTAIL, by which the lands attached to the office were inherited by the eldest son of a father deceased; with the lands went the office also, and the power of the suzerain was woefully curtailed.

When doubts arose as to who was the rightful heir of a king deceased, these haughty barons claimed the right to choose his successor. Not being of one mind in that matter, they appealed

to the infallible tribunal of the sword, which gave sentence so effectually, that after some sixty years of slaughterings the King set his foot upon them all, and from being a chief baron among many barons, became king by right Divine. How the sword could confer a right Divine it would take a clever lawyer to explain; nevertheless the idea met with great acceptance throughout the nation. The PEOPLE preferred one lord to many lords, and looked hopefully to the future.

Meantime this People, the lower courses of the social pyramid, had taken but small part in these wars and slaughterings, looking on in wondrous amazement at the constant change of masters, watching with admiration the gallant deeds of arms by which their personal allegiance was determined; they had no voice in these great matters, but minded each man steadfastly his own affairs, yet could they not, by reason of propinquity, remain altogether aloof from the hurly-burly.

Four hundred and twenty years had gone by since the Feudal System was established in England; the process of disintegration had by this time left merely the skeleton intact. All these years had been years of turmoil; wars with France, with Scotland, with Wales, and lordly expeditions against the Saracens. There had been much battering and smashing of fine armour of steel, much lavish expenditure on the equipment of armies and of fleets, and

not a few luckless knights, to whom the fortune of war had been unkind, had to seek in their own country great sums in silver and in gold wherewith to pay ransom for liberty lost on field of battle. They who stopped at home in peace, filling their barns with stores of grain, and whose flocks and herds multiplied exceedingly, while warriors lay a-dying beyond the sea or on the hillsides and on the plains of their native land, were the only men who could amass gold and silver amid all this turmoil. This treasure they bestowed upon their lords and masters, designingly and with great impartiality, in loans and in gifts, purchasing from them thereby immunities of many kinds from obligations, and from services which it was their due to render. More especially did they in divers instances purchase the right to keep for themselves the entire produce of their fields for all time to come, yielding in the future no services of any kind to any one, for the right to dispose of this produce as to them might seem fit. To hold land on such terms, free from all obligation in respect to it, was to be the owner thereof. Thus the process of disintegration permeated even to the lowermost courses of the social pyramid, for the ownership of land by individuals was utterly abhorrent to the main idea of the Feudal System.

True, no such right to land could be legally sold by either knight or baron, for the land was not

theirs to sell; but the warriors must have cash, and the people would have land. Out of this difficulty the lawyers soon found a way, and where the Law of Entail blocked the path to any such arrangement, they skilfully turned the obstacle by inventing leases of nine hundred and ninety-nine years.

This process went on under the kings of the houses of Tudor and of Stuart, till it came about, that in the seventeenth century some five millions of acres of the richest land in England was held in possession by a race of freeholders, YEOMEN they were called in those days, who for the most part tilled their lands themselves, rode fine horses to market or across country after the hounds, and shot partridge and other game on their own stubbles and in their own copses. A sturdy, independent race of men, learning from their boyhood up to ride, to shoot, and to speak the truth; men who had wills of their own, and called no man master, save he was of their own choosing; not much given to learned study; in matters of religion somewhat fanatical; haters of deceit in every shape, but with a profound respect for law and orderly government.

In those days there sat upon the throne a monarch by right Divine, who thought this right justified him in setting at naught all his obligations to his Parliament and to his people. The nobles and the great landowners for the most part aided and abetted him in these ideas of his, yea, even more,



they spurred him on to further extensions of the royal prerogative. The men of the great towns and cities for the most part sided with Parliament in its resistance to his pretensions. The dispute waxed so bitter that appeal was again made to the infallible tribunal of the sword.

At Nottingham the king unfurled his standard : to it flocked many gallant soldiers who recognized the right of their king to call upon them for service in return for the use of the broad lands they held ; with them went many of their kinsfolk and retainers. Thither also flocked many penniless adventurers, who thought to gain such lands in requite for service rendered, and loyal hearts from all the kingdom over.

Parliament also marshalled the people in array, under such leaders as it could find who would recognize its authority.

On both sides was the fighting stubborn, but the trained bands of the people were sore bested by the fiery valour of the Cavaliers. Then among the men of the Parliament there arose up one of rugged exterior, with some genius for war, and as a statesman but little inferior to William the Norman. A man of far-seeing, intellectual vision, and a God-fearing man, who feared naught else. This man looked with much scorn on the military array of the soldiers of the Parliament, whom in his rough way he styled "hired tapsters and serving-men." Looking abroad over the country, he saw the

yeomen sitting grimly in their homes, execrating the usurpations of the king, but with small belief either in the capacity or in the good intentions of the men of the Parliament. To them he, as in some measure one of themselves, appealed; they hearkened to his voice, in thousands they answered to his call. Then turned the tide of battle; the glossy curls and silken favours of the darlings of the Court were rolled in the dust by the fierce rush of THE IRONSIDES OF CROMWELL, and for a time the kingdom was at peace.

But the day was not yet come for such men to rule the realm of England. The Great Protector died; the people joyfully welcomed back their old rulers. A new order of things supervened; there was less talk of right Divine; there was no more of kingly usurpation; the reign of LAW was established, and if any evil deeds were now to be accomplished, they must be done by legal means and under the shadow of law.

When Parliament had triumphed over the king and over his partisans, hundreds of nobles, knights, and barons were driven into exile. Writs of Attainder were issued against their persons; they were stigmatized as traitors to their country, as men unworthy of the great trust confided in them as holders of the property of the nation; their estates were confiscated, and handed over to the care of men more worthy of such great trust.

Divers of these exiles, returning with their king at the Restoration, found themselves penniless ; their broad acres had passed into other keeping, strangers sat by the firesides they had called their own, and all by due process of law. These strangers could show better titles than any they could produce. But in many instances it was not so. Many exiles returned to their castles, halls, and manor-houses, to meet there a joyful welcome, to sit again at their own firesides, and to receive noble replenishment of empty purses from the hoards of faithful tenants and retainers. True Bills of Attainder had been found against them, equally had they been pronounced guilty, as traitors to the land of their birth, of treason against the nation.

Commissioners of Parliament, eager in their work of confiscation, had in these instances found themselves confronted by law. The persons specified in the Writs of Attainder they held were found not to be the owners of the lands they wished to seize ; title to these lands was found to be invested in their families under DEEDS OF SETTLEMENT, and the rightful owner might be a child as yet unborn, who, by reason of his non-existence, could not possibly be guilty of treason against the State. Law triumphed over the commissioners, and these exiles returned, each man to his own place, laughing in his sleeve at the immunity he had gained for evil deeds by the clever foresight of his ancestors.

In the troublous times which had preceded these, when no man felt his head very safe upon his shoulders, skilful lawyers had devised this means of protection for the families of the great landholders, who could thus plunge recklessly into the turmoils of their day, with the knowledge that they risked only death or exile to themselves, and that if the latter fate befell them, they had still their revenues intact wherewith they might still foment conspiracies against powers to them obnoxious.

In these days of the Restoration there lived a lawyer of great repute, who had made for himself a name as a lawyer in the times of Charles the First, who had added to his reputation under the Commonwealth, and was now more highly esteemed than ever. A veritable Vicar-of-Bray kind of a lawyer, neither a politician nor a statesman, simply a great lawyer; a lawyer who was trusted by everybody, and merited all the trust confided in him; by name SIR ORLANDO BRIDGEMAN. The drawing up of conveyances and of deeds of settlement was his speciality.

During the process of the disintegration of the Feudal System, the realm had frequently been left for long periods without any authorized Legislature. The conveyance of rights in land was a matter of imperious necessity; contingencies continually arose unprovided for by any law existing. In this dilemma the lawyers took upon themselves to meet the requirements of the age by quaint and ingenious

devices, whereby existing laws were *de facto* abrogated, and their place was taken by Customs, which by lapse of time acquired the force of law. In so doing they usurped the prerogative of the representatives of the nation, setting at naught that right of ownership in the land possessed by the nation, and disposing of it as though it were the private property of each individual occupier; nevertheless, by the technical wording of the documents they drew up, they still continued to recognize this right.

Rights in land were sold, transferred, devised, and modified by deeds engrossed on parchment, each such deed being drawn up in accordance with the needs or the caprices of those interested, and each such deed became by custom a law of itself, ruling the tenure of the land to which it referred. The result was, that the laws which regulated the tenure of land became a "tortuous and ungodly jumble," as Cromwell called it. In the days of Charles the Second, the skill of a great lawyer consisted in his ability to give some semblance of legality to this jumble of illegal deeds.

Back in their own homes, the great landholders of the Restoration carefully considered their position. The misfortunes which had befallen them were the natural results of the evil deeds of their ancestors, who, holding land in trust from the nation, had provided for their private necessities by selling lands so entrusted to their keeping, and had thus created

a new power in the State, to which they themselves owed their discomfiture in the late troubles. The yeomen, not the Parliament, had then been the victorious champions of the people. These yeomen owed their existence to these illegal sales of land. Those families whose lands had been tied up by "settlements" had taken no part in these illegal sales; nominal owners could not sell land which by settlement belonged to their families.

These settlements had also secured to them immunity from many of the consequences of their own crimes; therefore settlements must be looked to in the future as the bulwark of their order, securing to them and to their descendants for all future time predominance in the councils of the nation, and putting a stop to the further increase of this new power inimical to their interests. They took counsel with lawyer Bridgeman, who showed them how the system of settlements could be greatly developed.

The revulsion of feeling which always succeeds to any popular outbreak, when the excitement of the struggle has died away, had given to these landholders larger measure of political power than they had ever held before; they constituted the Upper House of Parliament, and filled the Lower House with their nominees. Thus they had both branches of the Legislature in their hands, while the king, anxious for the security of his throne, was only too ready to accede to their demands. They brought

into Parliament and carried, without arousing any popular opposition, a bill which at one stroke relieved them from all those remnants of feudal obligations which still attached to the holders of great estates. In this measure the remains of the old parliamentary party heartily acquiesced; they were more anxious to curtail the authority of the Crown than to establish the rights of the people, which were but little understood in those days, and this measure did curtail very greatly the power of the king, taking from him that authority over the tenure of land which he held as the representative of the nation.

With this curtailment of the royal prerogative Parliament rested satisfied, and made no attempt to replace the tenure of land on any satisfactory footing. Lawyer Bridgeman and his compeers eagerly made use of the scope thus given to their energies. More assiduously than ever they devoted themselves to the drawing up of deeds, replete with signatures, adorned with massive seals, and couched in terms of such technical verbosity, that no man who had not passed an apprenticeship to such work could, by dint of natural intelligence, fathom their depth of meaning. By these means they secured to themselves complete control over the tenure of land, and in place of law, submerged under this mass of deeds, they created a new tribunal in the land, the power of PRECEDENT; whose sentences being founded upon technicalities embodied in deeds which none but they could

interpret, endowed them with the disposal of the national property, and laid prostrate at their feet the rights of the people.

The immediate result of the great extension of the Custom of Settlements was to prevent any further sales of land to yeomen, whose sons, finding no scope for their energies in their own sphere, became soldiers and sailors, manufacturers, iron-masters, and merchants, and as such greatly contributed to the growth of the British empire and to the spread of English ideas all the world over. They formed the nucleus of the armies of Marlborough and of Wellington; they officered the fleets of Rodney and of Nelson, raised up another great English nation to the west of the Atlantic,—Washington, himself the grandson of an English yeoman, had hundreds of the scions of the same great race around him,—and laid the foundations of future empires in the southern seas. For more than a century this was the only effect of the extension of the Custom of Settlements upon the yeoman; but simultaneously with the great depression of the agricultural interest which followed the fall of Napoleon, came the application of steam-power to textile industry; yeomen by thousands sold their farms and took to more profitable occupations. These farms were for the most part incorporated with the great estates under settlement, the result being, that at the present day it is estimated that three-fourths of the entire land of England is held



by nominal owners under settlement, and the yeoman has almost entirely disappeared.

The designs of the great landholders of the days of Charles the Second have been crowned with success; they have destroyed the yeoman class, and for a long period secured to their own descendants almost a monopoly of political power, but in so triumphing they have delivered these latter bound hand and foot into the hands of another class, that of the lawyers.

Lawyer Bridgeman showed them how to develop the Custom of Settlements. Hardly any two deeds of settlement are of the same tenor. None give any power to a tenant-in-tail to sell land; nearly all give power to buy and add to the settlement, hence the enormous expansion of the great estates. Some give power to lease under certain restrictions, some withhold this power; generally the tenant-in-tail has power to create liens upon the land, such as mortgages, jointures, &c., so that he may hand on to his successor only a small fraction of the income he has himself enjoyed, while burdening him with the cost of a great establishment.

Further, in order that the nominal owners may not by self-denial escape from their toils, the lawyers have decided by sentence of Precedent, that no settlement shall last "for more than three lives with one life in remainder," and that when the last heir-in-tail reaches his majority, although his predecessor in nominal possession be still a young man, he shall

have the power to renew the settlement for another "three lives and one in remainder," introducing such modifications as his own inexperience or the caprice of the family lawyer may suggest; and as no man save this lawyer can tell what change may be made in the settlement without infringing the dictates of the enormous jumble of deeds which forms the title to the land, it follows that the lawyer becomes a Legislator in his own right, and according to his will this land is ruled for another term, which may be of more than a hundred years. Thus it has been most pertinently said, that "this land of England is now ruled by dead men for the benefit of those unborn."

There is at the present day no class of the community so utterly helpless as that of the great land-owners. They are generally men of great intelligence and highly educated; they are fitted by nature to be the true leaders of the people, if they only had the same freedom of action that other men have, but cramped and hampered by the circumstances which surround them, they are now an incubus to society and a danger to the State.

While the Feudal System was yet predominant WALES was incorporated with England; thus the tenure of land in Wales has followed on much the same lines.

In the LOWLANDS of SCOTLAND feudal institutions

grew up in the twelfth century, but never there reached that perfection of system which was given to them in England by the genius of William the Norman. The collapse of the system there was thus more rapid than it was in England, and the growth of the yeoman class was more pronounced, till in the reign of Charles the Second the fatal Custom of Settlements was adopted, and is now as great a curse there as it is in England.

In the Scottish HIGHLANDS a totally different system prevailed. The whole land was divided among families called "Clans." Every member of each family had certain ill-defined rights in the land occupied by his clan, but individual ownership of land was as much unknown under the Clan System as under the Feudal System. After the union with England this system rapidly fell to pieces, and the heads of the clans, taking advantage of the Custom of Settlements, claimed as the property of their own immediate families the whole of the lands occupied by their clan, while the clansmen either became tenants under the name of "crofters," or were driven out of the country to find subsistence as best they could. Thousands of them emigrated. In England they have distinguished themselves in every walk of life, and thousands were formed into regiments, which have ever been in the forefront of the battle wherever the British arms have been carried, for more than a century past.

IN IRELAND a system of tribal ownership prevailed, and, except in towns, the ownership of land by individuals was almost unknown until the days of Cromwell, when colonists from England and Scotland settled in the north and centre of the island, and introduced an entirely new era into the social status of the country. This was soon followed and modified by the general adoption of the Custom of Settlements. The great landholders seized upon the tribal lands and settled them upon their own families, while the peasantry, who had formed the bulk of the tribes, became tenant-farmers, and cultivated land on terms dictated to them by their self-imposed landlords. The consequences were not so disastrous as might have been anticipated. The yeoman class, which had not had time to take deep root in the soil, speedily disappeared, but the peasantry soon came to look up to their landlords as the natural successors to the heads of their tribes.

One of the first results of the new order of things under the Commonwealth was the establishment and rapid development of textile industries in Ireland, which soon came to share the foreign commerce of England, and even began to compete with English manufacturers in their own markets. That same Parliament of Charles the Second which released the great landholders of England from their feudal obligations, bought the support of the industrial classes of England by a series of enact-

ments which crushed out the rising industries of Ireland, and relieved the manufacturers of England from their most formidable competitor. This produced great distress in Ireland, and forced the Irish peasant to depend exclusively upon the land for his means of subsistence.

The removal of these iniquitous restrictions by Mr. Pitt in 1780 greatly ameliorated the position of the Irish peasant, but the rejection by the Irish Parliament of his proposal for the establishment of free-trade between the two countries, delayed the full fruition of this measure until the definite union of Great Britain and Ireland in the year 1800 restored complete freedom of action to all Irish industries. After the fall of Napoleon, the enactment of the corn-laws gave to the Irish peasant special privileges for the sale of his produce in the best market in the world. The consequence of these enactments was, that in fifty years the population of Ireland doubled in number. Then the industrial classes of England and Scotland refused any longer to pay tribute to Ireland; they forced the Imperial Parliament to establish free-trade with all the world; Ireland lost her privilege, the potato famine supervened, and her population has since that dwindled by death and emigration to the number of the pre-union epoch.

Meantime, as the peasants were unable to acquire land of their own, they gradually lost that regard

for the great landowners which they had previously, they ceased to look up to them as their hereditary leaders, they were treated not as retainers but as serfs; in the second half of this century they have emigrated by hundreds of thousands, most of whom sought new homes in the United States. Their prosperity beyond the Atlantic proves that it was no want of capacity in themselves which brought upon them the disasters which drove them from Ireland. American writers state, that those from the northern parts of the island, called by them "Scoto-Hibernians," are the most valuable contingent of all the European races, whose absorption and assimilation by that young nation has made her so great and prosperous.

Those who have remained on this side live to-day in a state of chronic discontent, which can only be removed by giving them the same chance to acquire land which they would have in almost any other country but their own.

Thus in diverse ways, but by the action of the same cause, the prevalence of the custom of family settlements of real estate, the same result has been achieved in each section of the United Kingdom. The ownership of the land by the nation, though still recognized by law, is a dead letter, and the attribute and duty of the Legislature to regulate the terms on which this national property may be

used by individuals is wielded and performed by one class, which reaps rich emolument from the drawing up of deeds which have the power of law, and which hamper and restrict in every possible way the power of the nominal owners of land to develop its capabilities. Thus THE NURSERY OF THE PEOPLE, the actual cultivation of land, is placed in the hands of men who have no interest in adding to its productiveness, and the social aspect of the four kingdoms is rapidly assimilating to that of the Roman empire in the century preceding its collapse and ruin; when the yeoman of republican Rome had disappeared; when the land was owned almost entirely by one wealthy class, and was so wretchedly cultivated that the great city was dependant for bread upon corn from Egypt; when, for lack of sturdy peasants, the legions were recruited in the cities, and their ranks were filled up by levies of foreign mercenaries; and when *panem et circenses* was the cry of a people who looked upon government not as a servant to do their bidding, but as a milch cow to supply their every need.

We have not yet reached to this climax in the British Islands, but during this nineteenth century we have made great strides thereto. It is not too late yet to pause on this headlong course; the People is still the same People as of old. Set them back upon the land, the nursery of national strength, and this group of islands may still be

the Mother of Nations, the Metropolis of a Greater Britain ruling half the world.

During the last thirty years or so Parliament has made some feeble attempts to vindicate its authority as the guardian of the national property, more especially in Ireland ; but general ignorance of the true principles governing the tenure of land, and the mystery which surrounds all individual titles to rights in land, has in most instances rendered these efforts of no avail for good, and they have frequently resulted in the production of greater evils than those which called imperiously for intervention.

Property in land differs in its essence from all other kinds of property :—

First—In that the extent of land possessed by a nation is strictly limited, therefore its occupation and use by individuals is a *MONOPOLY*, upon whatever terms this occupation and use be granted.

Secondly—The real value of land by itself is nothing at all.

Thirdly—Its practical value is twofold. Edifices and Roads essential to the organization of a nation may be built upon it ; or by the application of capital and labour it may be made to produce wealth, it is, in fact, the prime source of all wealth.

Fourthly—Its power for the production of wealth is increased or diminished according to the manner in



which this capital and labour are applied to it. This power may be exhausted by unskilful or predatory treatment, or the land may become a Savings Bank, which after many years will return in wealth all the capital deposited in it with tenfold interest.

A nation is an association of individuals united under one political organization. For the conservation of national life, it is necessary that the occupation of these individuals be of very varied nature. The right to use the land possessed by the nation for the production of wealth can only be conferred upon or exercised by a limited number of these individuals, but the nation must always retain the right as owner to a share in the wealth obtained by the use of its property.

The original value of land was nothing whatever. The nation as a whole, and the individuals to whom land has been granted in occupation, have worked in concert, and have endowed it with a practical value: the individuals furnishing the capital and labour, and the nation that protection and that market for the produce of land without which no result in wealth would be possible.

The differences in the amount of wealth procurable by the use of land depend to some extent upon location, to some extent upon the constituent qualities of the land itself, but more especially upon the manner in which capital and labour are and have been expended upon it by the

individuals at present in occupation and by their predecessors.

The combination of all these facts renders it impossible to assess with absolute justice what portion of the wealth produced by the use of land should accrue to the nation, and what portion should accrue to the individuals who have expended capital and labour upon it in the production of this wealth; but as the land was originally worth nothing, and the present differences in value are mainly due to the exertions of these individuals, the equitable way in which the nation can assess that proportion is to base the assessment upon area, totally irrespective of the present productive capabilities of the land.

There is also a great advantage in this mode of assessment. The strength of a nation does not consist in material wealth, but in the number and quality of the individuals who compose it. The greater the amount of wealth a given area can be made to produce, the greater will be the number of individuals who can subsist upon this wealth, and the greater must have been the intelligence and skill displayed by the individuals who produced it. Thus an assessment by area will give a larger proportion of the wealth produced to those producers who have displayed the greater energy and ability, while the amount accruing to the nation remains the same. This mode of assessment thus constitutes a premium upon industry and intelligence by which the

nation as a whole will benefit in divers ways, which will amply indemnify it for any loss it may suffer through not receiving its due share of the wealth produced by the use of its property in cases where this use has proved exceptionally profitable.

Some reformers propose that the nation re-assert its ownership of the land by becoming the universal landlord. In order to achieve this end, the nation must either purchase or confiscate all those individual rights in land which at the present day constitute by far the greatest part of its value. Land is the Bank in which many generations of men have deposited capital, and in these deposits the nation has no right of ownership whatever.

Even were it possible for the nation to acquire the complete ownership of the land it occupies, the nature of property in land is such that so large a corporation would be the worst possible of all landlords.

In order that land be efficiently worked, it must be cut up into comparatively small allotments, the areas of which will differ widely in accordance with the character of the land itself and with its location, which decide the uses to which it can be most profitably put. Each such allotment requires the care and supervision of one individual who has a personal interest in the development of its capabilities. This individual must also hold the land by such tenure as will secure to him and to his heirs

after him all such increase in value as may require long periods of time to mature, otherwise it will be more his interest to draw from the land the deposits sunk in it by his predecessors, than to develop its capabilities, which would result in great injury to the national property.

As the capabilities of land are of infinite variety, and can only be discovered by long and intimate study, no commissioners appointed by the nation, however capable and scientific, can ever be trusted to fulfil the duties of a landlord, which, if properly exercised, are exceedingly arduous, requiring unremitting attention and watchfulness.

One of the worst effects of the prevalence of the Custom of Settlements has been, to give us in these islands great experience in the working of the LANDLORD SYSTEM. The allotments of land are as a rule on so large a scale, that the nominal owner cannot attend to the working of the land himself. He has been forced to subdivide his estate into smaller allotments called "farms," and to depute his duty to tenants, who pay him an annual rent for the use of the land, anything they can make above that rent being their profit.

In ENGLAND on many well-managed estates this has resulted in a sort of co-operation, the landlord supplying most of the capital and scientific knowledge, the tenant giving his experience and

labour, while the rental varies from year to year in accordance with the state of the markets.

Magnificent crops are the result of this co-operation, but the full capabilities of the land are never developed ; the tenant cannot afford to sink labour and capital into the land unless he sees a chance of immediate profit, as his tenancy may at any time terminate, when any capital he has deposited in the land would become the property of his landlord. Thus is witnessed the extraordinary anomaly, that Belgium, a country with poorer soil and a population more dense than that of England, but with a much better system of land-tenure, actually exports several millions a year of agricultural produce to England, while large tracts of land are with us uncultivated, and tenants see only one remedy for the distress from which they are suffering, a general remission of rent, which means ruin to the landlords, deterioration of the national property, and an enormous loss to the nation.

No system of tenure could be devised which would protect the owner of land from the effects of fluctuations in the price of his produce, but a system *may* encourage ownership by the class of men best fitted to sustain these fluctuations.

In SCOTLAND the landlords do not co-operate with their tenants to the same extent that they do in England, but the tenants protect the capital they sink in the land from confiscation by a system

of leases. In the Lowlands a high class of farming is the result of this system, but the risks run by the tenant are far from being fully provided against, so that much less capital is sunk in the land than could be profitably employed.

In the Highlands, which are more adapted by nature to be a nursery of men than a source of wealth, the great landowners find more profit in letting their land in large tracts as deer-forests than in small allotments to crofters, who could under no circumstances pay much rent. In consequence of this an exceptionally hardy and intelligent race of men are rapidly becoming extinct, while the property of the nation is wasted in providing amusement for rich southerners or for foreigners.

In IRELAND there are some few landlords who try to do their duty by the national property entrusted to their keeping and by their tenants, but the great majority leave the development of the natural capabilities of the land to their tenants, and have up to recent years taken every opportunity of confiscating improvements to effect which they contributed nothing whatever. This evil became so outrageous that Parliament intervened to enforce some measure of justice for the tenant, but intervened in such a way as to destroy all hope of that cordial co-operation between landlord and tenant, by which alone the capabilities of the land can be duly developed under the landlord system. It is

now the tenants who have the power to confiscate such capital as may be sunk in the land, and in consequence no capital is sunk in it, beyond what the tenants themselves find absolutely necessary to sink in it in order to secure a meagre subsistence.

Professor CAIRD, a great authority on questions of land and agriculture, who was by no means given to exaggeration, estimated the amount of agricultural products raised annually in the British Islands at one-third of that which they might easily be made to produce; other experts make the discrepancy much greater. Thus the landlord system, which has grown up during the last two centuries, is a conspicuous failure. The land is for the most part held by nominal owners, who are so oppressed and hampered by their liabilities under settlements, that they cannot expend that capital upon it which is necessary to the development of its capabilities; the land is cultivated by a class which has no interest in aiding in this development,—to add to the capabilities of land would add to its renting value; and the yeomen and the peasantry, who have, in every country and in every age, formed the most important constituent element in national strength and greatness, have been forced to seek in far-off lands those homesteads denied to them in their own country, or have been driven off the land into

the cities, where their neurotic progeny dies out in the fourth generation.

The teachings of history show us that the acme of civilization is reached in great cities, but there the process of civilization destroys the race. Great cities can only flourish by a constant immigration from the country, while the capabilities of land can only be fully developed under the supervision of scientific knowledge.

Those who dwell in great cities are eager to pass their leisure hours far from their usual haunts; when they can, they have "a place in the country." The son of the peasant sighs for the active life of the great city. These are true instincts, tending to the conservation and progress of the race.

The Greeks had a tradition of a great giant, who, when exhausted in a struggle with Hercules, set his foot upon the soil and straightway recovered his strength. This tale is no myth, it is a parable.

The landlord system has thus proved a conspicuous failure, and there is every reason to believe, from the nature of the case, that were the nation itself to undertake the duties of the landlord the failure would be more than conspicuous, it would be disastrous.

There are apparently some classes of land which can be more efficiently worked on the landlord system than on any other, and in urban property



that system, as a general rule, chimes in best with municipal organization; therefore the way in which the national property may be used to the best advantage should not be determined at all by law, but the land being granted in allotments to individuals, each of these individuals holding his right in the land from the nation, should be left to adopt that system which the character of the land, its location, and the circumstances of the time, show him to be the most advantageous to himself; that which is most advantageous to the individual will eventually prove to be most advantageous to the nation also.

If the nation takes its share of the wealth produced by the use of land in the form of a contribution, assessed according to the area of the land of which the use is ceded to the occupier, then it becomes easy to establish a system of **FREE TRADE** in land, which will leave each individual at liberty to make that use of the land he occupies which seems to him the most advantageous; competition will gradually eliminate the incompetent, and experience will soon determine the extent of area which can be most efficiently worked under one management.

In the neighbourhood of towns artisans will find small allotments to be the best Savings Bank into which they and their families can put their spare time and money; further afield the yeoman will

reappear occupying selected plots of good farming land ; the great estates, freed from the trammels of settlements and from the burdens of liens and mortgages, will be reduced to such size as their owners can occupy with profit to themselves ; while tracts of poor land, which cannot pay the national assessment, will revert to the nation, and may furnish sheep-walks and pasture lands, rented at conventional rates, or homesteads for a hardy peasantry, who may after years of labour and thrift become proprietors, as they do in other countries.

Many years after the great landholders had freed themselves from their feudal obligations, the government of the day, being hard pressed for revenue required for war, imposed a special war-tax upon land, four shillings in twenty of the annual profit derived from the use of the land. This tax was levied in a most peculiar way : each county in England, Wales, and Scotland was assessed separately at a certain amount, and the proportion of this amount payable by each landowner within the county was determined by commissioners appointed *ad hoc*. The necessity passed away, but the tax was found so lucrative, and in principle was so just, that it was continued by every succeeding Government, though the rate at which it was levied varied from year to year, according to the necessities of the time, till in the year 1798 the landowners

complained so bitterly of these variations, that it was adopted as a permanent tax, and the county assessment was established at the same amount at which it had been instituted a century before, the rate being also fixed at four shillings in twenty on the estimated annual income of each county from land.

This tax is levied at the present day on the county assessment made in the reign of William the Third; thus the incidence of the tax is now most outrageously unequal. Almost every county has increased in wealth, but some much more so than others. No landowner now pays four shillings in the pound, though that is the legal amount of the tax annually due by him; while in the northern counties of England and in the southern counties of Scotland, where wealth has increased enormously, the tax scarcely amounts to more than one penny in the pound.

The average area of land which would produce an annual income of twenty shillings in the reign of William the Third may be estimated at one acre; thus if Parliament were to establish a permanent land-tax at the rate of four shillings per acre per annum, in lieu of the present anomalous system of taxation, the national right of ownership in land would be vindicated on the same terms which were considered just and equitable when this tax was first instituted.

The yield of this tax would be many times

greater than that of the tax at present levied, and would come out of the pockets of the landowners, who already bear the greater part of the burden of local taxation. In aid of this taxation Government is in the habit of making annual grants to an amount three or four times as great as the amount it receives from the present "land-tax." By adding the new tax to the revenues of local authorities, Government would relieve the landed industries, the most important of all the industries of the nation, from excessive burdens, and would at the same time, by ceasing the payment of these "grants in aid," amply recoup the loss it would suffer by the remission of the present tax. County and District Councils would in most instances be able to abolish rates altogether, and the rates in the cities and larger towns would be very greatly reduced.

After the disaster of Jena two men took in hand the task of the re-organization of Prussia. Baron Stein re-organized the army, Count Hardenberg the system of land-tenure. The latter established LAND-OFFICES all the country over, where landowners of all classes were compelled to register their titles. This formed the basis of an immense improvement in the tenure of land, and to Count Hardenberg more than to Baron Stein is due the subsequent prosperity of the Prussian people.

To permit the registration of invalid titles would be a mockery of law, and it is probable that very few titles to land within the four kingdoms could, if subjected to rigid scrutiny, be pronounced indefeasible, save such as are based :

1. Upon Enclosure Acts.

2. Upon various Irish Land Acts passed within the last thirty years.

3. Upon Lord Cairns' Act of the year 1874, by which the possession of land for twelve years subsequent to a *bona-fide* purchase, gives an indefeasible title, no matter what flaw may be afterwards discovered in the anterior title from which this is derived.

This Act of Lord Cairns gives a clue to the method by which this difficulty may be overcome, and a system of registration be devised whereby the present invalid titles to ownership of land may speedily become obsolete, and every legitimate owner of land may be placed in possession of a clear and indefeasible title, which he may transfer at pleasure at a merely nominal expense.

Let every landowner who can show an **OSTENSIBLE TITLE** have a right to register a claim to the ownership of the land he holds, and let this register, if it be maintained uncanceled by process-at-law for twelve years, become of itself an indefeasible title; then in less than one generation this "tortuous and ungodly jumble," which at the present day gives

title to land in the British Islands, will be swept away, and the tenure of land will be as clear and as easily transferable as it is in Germany.

To establish three or four great central offices for the registration of claims, transfers, etc., would occasion an agglomeration of deeds which would effectually defy Government control or supervision; but if each County Council and each Municipal Corporation have one office for the registration of all claims to right of ownership of land lying within its jurisdiction, these authorities may safely be entrusted, under the supervision of Government inspectors, with the administration of one sole law, which they shall have no power to alter or modify in any respect whatever. These local authorities might also be entrusted with the collection of a **REGISTRATION TAX**, the nett proceeds of which they might retain as their own revenue, but which should remain as a national impost, levied as a quit-rent for the use of national property, and should not be commutable on any terms whatever; the landowner by each annual payment making claim to the right he holds in the land, and at the same time making formal recognition of the prior right of the nation.

The following **DRAFT OF PROPOSED LAW** is a suggestion for a plan by which these principles may be made to rule the tenure of land in the

British Islands. It will not occasion any violent revolution in the social status of the United Kingdom; it will confiscate no individual rights save some few which have no real basis on the law of the land, but are simply abuses in which custom has usurped the attributes of law; its action will be so gradual that vested interests will have ample time to accommodate themselves to the new order of affairs; and the mere enactment of such a law would introduce a new element of hope into the minds of men, who in their despair are clamouring for changes which would destroy all individual liberty, and put an end to social progress.

This proposed law, or code of laws, would for voluminous deeds substitute the simple registration of a claim to right of ownership, and this claim, if sustained, would have all the force of an indefeasible title; the transfer or devolution of such claim would be easily effected; and all dealings with the national property would be done openly and under the supervision of authorities appointed by the people as the guardians of the public weal.

Chapter I. provides for the abrogation of all rights of primogeniture as regards land, of entail, of settlement, and of manorial and copyhold rights, for the protection of the rights of leaseholders, and for the abolition of the land tax.

Chapter II. treats of the establishment of county, district, and municipal land offices for the registry of

claims; for the transfer of these claims; for the registry of mortgages and leases, and for the collection of the Registration Tax.

Chapter III. defines the duties of the registrar; the procedure by which claim may be made to right of ownership in land; the *prima facie* basis of ownership, and the mode in which fraudulent claims may be cancelled.

As national property cannot be entrusted to the care of aliens, no alien can register a claim to right of ownership in land, and cannot accept transfer of registry; but if he come by legitimate means into possession of land, he is entitled to sell the right to register a claim. In all other respects the rights of an alien are identical with those of a British subject, and are as efficiently safe-guarded.

Chapter IV. defines the value of the registry of a claim to right of ownership in land, and establishes twelve years as the term of "Prescription." This term is shorter than that which has been adopted by most of the nations of the continent of Europe and of America, but is the logical sequence of Lord Cairns' Act of the year 1874, and is quite long enough for the protection of the rights of absentees. If a man is so careless of rights he may have in national property as to make no claim to them for twelve years, the welfare of the nation requires that the care of this property be entrusted to some one else.



Chapters V. to XII. give detailed instructions as to procedure in the registration of claims, and define the rate at which the registration tax is levied.

An occupier of enclosed land has by the act of enclosure sunk capital into it, and has thus given himself a *prima facie* right to the land; therefore if he can make declaration of an "ostensible title" to it, he is in equity entitled to register a claim without producing other proof of ownership; but if he has not enclosed it he has established no such right, and must, with his application for registry, present some documentary proof of ownership in support of his application.

The "Registration Tax" is a vindication and acknowledgment of the ownership of the land by the nation, and is an equitable substitute, in accordance with the advanced civilization of this age, for the onerous duties which were originally imposed upon and rendered by those who received grants of land from the State. Its payment by the registered owner is also an assertion by him of the right he possesses in the land; thus, if he fail or neglect to make this acknowledgment, or to assert this right for several successive years, the nation is most justly entitled to transfer such right as he may possess to some other individual, by whom this liability will be duly recognized; but the nation is not entitled to confiscate this right, and any value it may prove to have, as decided by a sale in public auction, over

the amount of the deferred tax, which is the property of the nation, is returned to him.

When the nation thus exercises its prior right of ownership, the consequent sale by auction is a compulsory liquidation of all other liens on the land, which may have been granted by the defaulting owner, or by his predecessors in possession, and thus acts as an efficient safeguard against the reckless burdening of landed property, which is productive of so much social trouble, and is further provided against in Chapter XIV.

The sale to another owner of this forfeited right in land also constitutes a fresh grant made by the nation to that new owner of the right to use the land as may seem to him best, and most to his own advantage, the prior right of the nation being always preserved by the resumed payment of the annual tax; therefore the re-registration of this land in his name gives to this new owner an indefeasible title to the land, no matter what flaw may subsequently be discovered in the title possessed by the previous owner.

The amount of the tax in proportion to area is greater in districts, and in cities, and towns than in the open country, on account of the greater amount of land there occupied by streets and roadways, which are exempt from tax, and because the expense of maintaining a land office is there so much greater in proportion to the extent of land registered.

The tax is exceptionally high in the County of London (£5 per rood per annum), because London being the metropolis of the United Kingdom, that part of the increase in the value of land which is due to the fostering care of the nation, is there, in comparison with other cities, greater in proportion to that part of this increase which is the result of individual enterprise.

Land occupied by railways and canals is exempt from tax, as, although they are worked by companies for their own profit, they are in reality public roads, the maintenance of which is a national necessity.

The proceeds of the tax are handed over to the authorities by whom it is collected, for four reasons :

First—The tax thus becomes a national contribution towards the expenses of local government; local authorities can therefore have no right to make further claim upon Government towards payment of expenses they may incur in carrying out national decrees, and can have no pretext for changing or modifying the tax, which is imposed not by them but by the nation.

Secondly—The addition of this tax to the revenues of the nation would occasion a dislocation of capital, which would have very serious consequences; these are avoided by its substitution for revenues which are now derived almost exclusively from land.

Thirdly—This tax, in addition to the rent yielded

by waste lands, will, in impoverished districts, supply the local authorities with a revenue, which may be applied by them to the development of the capabilities of the land, by the construction of roads, bridges, etc., the "unearned increment" being thus at once created and utilized by the nation.

Fourthly—Since their revenues will for the most part depend upon the efficiency with which this duty is performed, the local authorities will be the most vigilant guardians who could be appointed to protect the national property.

Chapter XIII. treats of waste lands. Large tracts of land in England, and still larger in Scotland and Ireland, produce no such revenue as would enable the nominal owners thereof to pay the registration tax of four shillings per acre per annum. These nominal owners are allowed to retain the use of these lands without registry of a claim to right of ownership, for two years if they be unenclosed, and for five years if they be enclosed. If these nominal owners do not claim registry, they thereby relinquish any right in the land they may have. At the expiration of these terms the nation enforces its right of ownership, and so disposes of the land as may be most expedient for the national welfare.

Picked allotments of these lands, if put in possession, at nominal rents, of the hardy emigrants who leave our shores each year in thousands, would in the course of years become valuable farms. No

man will devote his life to the uphill work of reclaiming waste land, unless he see before him a fair prospect of becoming the owner of good land which will owe its productiveness to his labour. The provisions of this chapter secure to each hardy pioneer the ultimate possession of a homestead on much the same terms as he could make one for himself in a far-distant colony.

A man may apply for a lease for ten years of one hundred and sixty acres of moorland, at an annual rental of sixpence per acre. In ten years he may so improve, say twenty acres, that it may be a productive farm. He then applies for a lease of these twenty acres at a rental of four shillings per acre per annum. After paying an annual rent of four pounds for two years, he may claim registry of the land in his name, on payment of sixty pounds, and will possess an indefeasible title to the land, which he may either sell, mortgage, lease, or devise, and may at the same time apply for a fresh lease of an adjoining tract of moorland, not exceeding one hundred and sixty acres, at a nominal rent, on which the same process may be repeated.

Such parts of these lands as hold out no such prospect of improvement may yet provide a means of subsistence for tens of thousands of stout peasants, who have now no other refuge than the slums of our great cities.

Further, by special arrangement with local

authorities, large tracts of land unsuitable for agriculture may be secured as sheep runs or for cognate uses, for terms not exceeding ten years, renewable by mutual consent.

Chapter XIV. treats of mortgages on land, and of the mode and effect of their registration. The powers held by mortgagees under the system at present in vogue, have in innumerable instances proved most detrimental to the true interests both of the owners of land and to those of the nation, stifling the energies of producers, and opening a wide door to fraudulent transactions. The results of this system are most painfully apparent on the continent of Europe; the anti-Semitic movement in Germany and Russia arises entirely from the tyrannical use of their legal powers by mortgagees. The same cause rendered necessary the passing of the "Encumbered Estates Act" for Ireland some fifty years ago, and is at the present day working the ruin of agricultural interests in the western parts of the United States.

By the provisions of this chapter, if a lender of money exact the security of a mortgage upon land, the borrower is relieved from all responsibility for the repayment of the mortgage, his liability being transferred to the land itself, upon which the nation has already a first lien. If he advance money with due caution, his interests are effectually protected, but if he encourage recklessness and profusion, he

does so at his own risk. At the same time, an owner of land can give unexceptional security for any moderate advance he may require for the development of his property.

A mortgage of the first class is simply a rent-charge, terminable at the option of the landowner, and is intended mainly to facilitate the purchase of land. The minimum rate of interest on mortgages of this class is fixed at four per cent. per annum, for the protection of the mortgagor. A man may thus purchase a farm for say two thousand pounds, paying one thousand pounds cash, and giving a mortgage in this class for the other thousand, bearing say five per cent. interest. This mortgage is to the seller a saleable investment, well secured, while the purchaser is absolute owner of his land, subject to a rent-charge of fifty pounds per annum, which he can reduce by instalments at his convenience, until the liability is discharged. If the minimum rate of interest were not fixed at four per cent., the seller of the land might insist upon a mortgage of two thousand pounds at two per cent. interest; the rent-charge paid by the purchaser would then be only forty pounds a year, but his ultimate liability would be equal to the entire value of his land, so that he could never feel himself to be the real owner until he had paid fifty per cent. more than its value.

As no mortgage deed is of any value as a lien

upon land until it is registered in the same office in which the land is registered, and the registry inscribed upon the "Act of Registry" of the land itself, and as a mortgage deed can only be registered if it be granted by the person who is at the time of such registry the registered owner of the land, every purchaser of land is secured from incurring unknown liabilities by inspecting the register of the land before signing the deed by which he accepts its transfer to his own name.

A mortgage on land being a specific right in this land, which may be sold, devised, or inherited, change of ownership is effected in it in the same manner as a change of ownership in the land itself is effected.

Chapters XV. and XVI. treat of the sale or transfer of the right of ownership in land. The present cumbersome modes of conveyance are abolished. A registered owner of land may either himself or by his attorney make formal application to the registrar, in presence of two witnesses, for the transfer of his register to another name, and when he or his attorney for him, the two witnesses and the registrar, have affixed their signatures to a simple document to that effect, the sale, gift, or transfer is complete. The transferee becomes at once the legally recognized owner of the land, and thereby assumes all responsibilities and liabilities attaching to such ownership. With the actual delivery of the land



in possession the registrar has nothing whatever to do, that is a matter which the late and the new owner arrange between themselves as they choose.

Chapter XVII. treats of the supersession of a previous register by a re-register, chiefly in regard to land inherited from an owner deceased.

Chapter XVIII. treats of powers of attorney granted by an actual or prospective owner of land, empowering some one else to represent him before the registrar. As this owner may reside in a far-distant part of the kingdom or abroad, this power will frequently be the real deed by which the ownership of land is transferred, therefore great care is requisite to ensure that the signature is that of the person named as the grantor of the power; the registrar can be in no way responsible for the validity of documents presented to him, he can only ensure that the proper formalities are observed.

Chapter XIX. treats of the boundaries of registered lands.

Chapter XX. treats of and specifies the rights of registered owners. No suggestion is made of any change in the rights of owners of land to the minerals lying beneath the surface, as the question of mining rights is totally distinct from the land question.

Chapter XXI. defines the status of tenants-in-tail under deeds of entail or settlement, and that of their heirs after them, and having done so,

deprives the said deeds of entail or settlement of all further power or effect.

It also empowers a registered owner of land to create a homestead or homesteads of limited area, which he may secure to a member or to several members of his family, or to other or others, either during his lifetime or after his death, for his or their lifetime, and defines his or their power over the said homestead or homesteads so secured to him or to them.

Chapters XXII. and XXIII. make a lease of land a transfer by a registered owner of land of certain specified rights of his in the land, for a limited period, and deprives him of all power to interfere with his tenant during this period.

If a landowner do not choose to devote his time and energies to the development of the capabilities of the national property ceded to him in possession, the man who does this work for him is the man whose interests are identical with those of the nation, and whose rights require jealous protection.

In this devolution of his duties the landowner is not guilty of any treason to the State. It is not in human nature that every man who becomes a landowner by an accident of birth, shall always inherit the taste and the talents which are essential to the due performance of the arduous duties which have devolved upon him; therefore he is fully justified in appointing some other man of superior qualifications

to perform these duties for him, while he retains those rights over the land which do not interfere with the performance of these duties by that other man.

Chapter XXIV. the great estates in England and in Ireland are for the most part parcelled out in farms let to yearly tenants. On well-managed estates in England this has produced a sort of co-operative system which gives fairly good results. In bad years the owner shares the loss with his tenants by large remissions of rent, and they have at all times the advantage of his command of capital; but in Ireland arrears of rent, unavoidable in bad seasons, are a grievous burden to the tenantry.

On well-managed estates the provisions of this chapter would make no difference at all in the relations between landlords and their tenants; on others they would protect the tenants from tyrannical exactions, and every tenant would have one year's notice before eviction could be enforced, during which he would incur no liability for rent, and would never in any case be liable for arrears. Thus the interests of the actual cultivators of the soil would be effectively protected, and the landowner would be forced either to do his own work himself or to give equitable terms to some other to do it for him, while both would have an interest in developing the capabilities of the soil by amicable co-operation.

Chapter XXV. is a development, applicable only to Ireland, of the principles embodied in the first nine

paragraphs of Chapter XXII., and would put an end to that evil system of dual-ownership, which at present produces constant antagonism between two classes of men, the landlords and the tenants, whose interests should be identical, and whose co-operation is essential to the due development of the national property.

Chapter XXVI. establishes the penalty incurred by a registered owner of land if he neglect to make annual assertion of his rights by payment of the annual tax. The fine for the first three years after the establishment of the land offices, is only half that of subsequent years, because an owner may have some difficulty in effecting his register of claim, through the press of business upon the offices during these years; he cannot pay the tax until his claim is registered, and the tax first falls due on the day on which the offices are opened; nine months in each year are allowed for payment without fine for delay, so that each registered owner may pay it at the date most convenient to him. No transfer of claim can be effected so long as any tax or arrears of tax and fines remain unpaid, neither can any mortgage or lease be registered upon it.

A registered owner who neglects to make annual assertion of his right in the land he holds, throws by his own act a doubt upon the validity of his title, and is therefore justly prohibited from transferring this title, or from creating any lien upon the land, until he has re-asserted his right to do so.

The remaining chapters give detailed instructions for the organization of the various land offices. A registered landowner can obtain attested copies of all deeds connected with his land, which deeds define his title, on payment of a small fee. Every landowner should possess such copies, for his own security.

The immediate result of the adoption of this suggestion would be to endow the local administrations of the United Kingdom with a nett revenue of about fifteen millions per annum. This being a national subvention would entirely relieve Government from all other grants-in-aid of local taxation, leaving it with a surplus of about five millions. One million and a quarter of this surplus would be absorbed by the remission of the land-tax, the rest would be required for a time to meet the repayments of commutations of this tax, after which it would be available for remissions of general taxation.

County and district councils would have a revenue sufficient for all their requirements without levying rates, and the borough-rate in cities and towns would be reduced at least fifty per cent.

Rents would rise, and from the ease of sale and transfer, the value of real estate would be considerably increased.

The social benefits would be incalculable; tens of thousands of men would be able to acquire homesteads in their own country, instead of emigrating to foreign

lands in search of them, either by purchase of lands thrown on the market by the dissolution of settlements, or by developing waste-lands which at present lie unproductive.

There is no question that when land is in the occupation of men who have a personal interest in developing its capabilities, the productiveness of the national property will be enormously increased. All other industries will be stimulated by this increase in the national wealth, the number of the population will continue to augment without distress or danger, and the quality of the masses of the people will be greatly improved, both physically and morally.

By the re-establishment of the great yeoman class, an element of stability would be infused into the electorate of the county councils which would allow of a great extension of their powers. Contiguous counties might safely be allowed to amalgamate their legislation on specified terms, for objects common to them all. Thus Parliament would be relieved of a great portion of the redundant work which is at present thrown upon it, and all the advantages of home rule would be acquired by every section of the United Kingdom, without the enactment of any measure calculated to destroy the constitution under which the nation has achieved its present high level of prosperity and power.

The re-establishment of this great class, together with a large body of peasant proprietors, would also

raise a bulwark against the advance of ideas subversive of social order and of individual liberty. Two centuries ago the yeomen were the champions of the people in their struggle against the usurpations of the Crown; in the next century their prowess may be needed to protect them against a still worse tyranny.

The yeomen and the small proprietors will work harder and suffer more privation than do the tenant-farmers of the present day, but it is by hard work and self-denial that men are fitted for the struggle of life. The character of a nation is but the reflex of the characters of the individuals who compose it.

The House of Lords, as at present constituted, is in no sense a representative assembly; it constitutes a privileged class of men, the great majority of whom are legislators solely by an accident of birth. Until it become really a representative assembly, it can never exert that power in the councils of the nation which should be possessed by an Upper Chamber. This Upper Chamber should represent primarily the land, which is the basis of national life; secondly, the intellect of the nation, which is its soul. The House of Commons, if elected by manhood suffrage, would represent the physical strength of the nation. The two houses in combination would then constitute a true PARLIAMENT OF THE PEOPLE.

Once the land be reasonably subdivided among a steadily growing number of registered owners, we

should have in these owners an electorate who could periodically select peers of the realm to represent them in the Upper Chamber. No such electorate at present exists; the owners of land, even including the owners of building lots, very slightly exceed one half per cent. of the population.

The present constitution of the House of Lords is a national danger, to avert which the first step must be a drastic reform of our system of land-tenure, on the lines suggested.

Imperial federation has been much discussed of late years, but no feasible plan of federation has been as yet proposed. The alternative to federation is the dismemberment of the empire, which is certain to come unless the children be given some voice in the councils of the mother country. When every prosperous colonist has a "family homestead" in the "old country," whether that country be England, Ireland, Scotland or Wales, the children will be so bound to their mother, by ten thousand invisible ties, that complete independence would be felt by them to be a calamity, and federation in some shape will be achieved.

The sturdy yeomen of vigorous young nations will not long submit to the supreme control of a government nominated by men who know nothing of their special needs, but if they be represented in the upper chamber of the Imperial Parliament, they will have that share in ruling the destinies of



the empire which each colony, as a component part of that empire, has a right to demand.

Under our present system of land tenure, the acquisition of homesteads is so difficult, that the grandchildren of those who emigrate are as foreigners in the land of their progenitors. This same system blocks the way to many other reforms urgently needed to keep the nation in the high place to which she has attained ; if it be swept away, a new era of prosperity will dawn, and the Victorian age, instead of being a reproduction of that of the Antonines in Rome, will be the starting-point for a history of achievement yet more glorious and more beneficent than that which has been handed down to us, for our instruction and for our emulation, by our ancestors.



# DRAFT OF PROPOSED LAW

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## CHAPTER I

### INJURIOUS LAWS AND CUSTOMS

#### *Primogeniture*

1. FROM the 1st January, 1900, the distinction which at present obtains between the real and personal property of any person dying intestate shall cease. Landed estate of any kind shall be divisible among or be saleable for the common benefit of the heirs of any person dying intestate.

#### *Entail*

2. All deeds of entail of landed estate executed after the 1st January, 1900, shall be null and of no effect.

3. No owner of land shall have, thenceforward, power to devise right of ownership in his land in any fixed line of inheritance.

4. The power to devise landed property shall thenceforward be exercised solely in one of two ways:

(a) Any owner of land may devise right of ownership in this land to one or more persons absolutely.

(b) Any owner of land may devise right of ownership in this land, or in a portion of it, to one person for lifetime only, and may devise reversion of right of ownership in the land so devised, at the death of this one person, to one or more persons absolutely. (See Chapter XXI.)

5. The holders of entailed property in land shall, from the 1st January, 1900, be held to be life-owners only, whose powers over the land they hold are limited and defined in Chapters XIV., XV., XXI., XXII., XXIV., and XXV., but who shall in every other respect have full rights of ownership (see Chapter XX.), and shall be in no way subject to the will of the succeeding heir or heirs in regard to any use they may make of the land or of anything upon it.

6. Deeds of entail or settlement executed previous to the 1st January, 1900, shall have the effect of proving the holders of lands so entailed or settled to be "life-owners" of said lands, with rights restricted as above established, and shall prove the right of succession to absolute ownership of the lands, upon the demise of said life-owners, to be vested in the persons next in succession, as may be

established by said deeds of entail or settlement; but these deeds shall have no further power, and shall not restrict in any way the full and perfect title to absolute ownership of the lands held by these heirs in reversion when they come into possession. (See Chapter XXI. § 1.)

### *Settlements*

7. From the 1st January, 1900, all deeds of settlement upon land are void, in so far as they constitute any lien upon the land specified. The actual owner of land upon which settlements have been made shall become and is, from this date, personally responsible for such obligations as he may have incurred by taking possession of such land, but only to the extent of the saleable value of the land, which he is by this law hereby enabled and authorized to sell or mortgage for the purpose of liquidating these obligations. In case the total value of such settlements exceed the saleable value of the land so burdened, the loss shall fall upon those benefited by these settlements, in proportion to the amount of each several settlement, irrespective of the dates at which said settlements were granted or devised. (See § 10 and § 11.)

### *Manorial Rights*

8. Manorial rights, and all liens upon land, or upon the produce of land, derived from and depend-

ent upon such rights, are hereby abolished. Such dues and privileges, as are held by manorial title, shall alone continue in force as have been and are now recognized and enjoyed as established rights, providing always that they in no way interfere with that full power over and use of his land which is secured to a registered owner by the acceptance of his claim. (See § 9 and § 10, and Chapter XX. § 1 and § 7.)

*Copyhold*

9. The actual occupants of land by right of copyhold shall henceforth be held to have full right of ownership in the lands they occupy, but may be compelled to redeem by cash payment or by the granting of mortgage any liens upon such lands which have been previously by them recognized and acknowledged in favour of other persons. See § 10 and § 11.

10. All classes of liens upon land not specially provided for by this law must be commuted by the owners of the land so burdened, either by cash payment or by granting of mortgage, within a term of three years from the 1st January, 1900.

11. The onus of proving the legality of such liens shall rest with the holders thereof, and their value, in default of private arrangement, shall be established by a Royal Commission *ad hoc*. Any holders of such liens who may fail to prove their

title to compensation for the loss of them within three years from the 1st January, 1900, to the satisfaction of the Royal Commission, or may refuse to accept their valuation of such liens, shall by the expiration of this term of three years lose all claim to such liens and to compensation for the loss of them. The actual owners of the lands burdened with such liens shall, after the 31st December, 1902, be absolutely free from all further obligation or liability in regard to them. If, however, such compensation as may have been agreed to by them or may have been adjudged by the Royal Commission have not been at that date received by the holder of a lien, the lapse of this term shall in no way exonerate the owner of the land from payment of such compensation, and shall further render him liable for interest on the amount agreed upon or adjudged, until the claim be liquidated.

### *Ground Rents.*

12. If any leaseholder have erected houses or buildings or effected other permanent improvement on the land leased, which would, on expiration of the lease, become the property of the owner of the land, and if the lease be cut short before its natural expiration by the effect of clauses § 3 or § 7 of Chapter XXII., the leaseholder shall, on such compulsory termination of lease, have lien upon the land to the extent of the value of the use of said houses,

buildings, or other improvements, during the time so curtailed. The value of the said lien, in default of private arrangement, shall be decided by appeal to a court competent to decide in questions of disputed ownership of landed estate, and shall in no case exceed fifteen times the annual renting value of said improvements, estimated apart from the renting value of the land itself. The said lien shall be commuted by the owner of the land, either by cash payment, or by granting of a mortgage on the land of the second class, at his discretion.

### *The Land Tax*

13. The present land tax, which is nominally at the rate of four shillings in the pound on the annual value of the land, is hereby abolished. Any registered owner of land who himself or whose predecessors in possession has or have commuted this tax by payment to the National Exchequer, shall have the amount so paid returned to him by the Nation, on presenting to Government adequate proof of such payment, at any time previous to the 1st January, 1905, but shall forfeit this right if the claim be not presented and proved previous to said date. Any claim for payment made by a person who is not, at the time the claim is made, the registered owner of the land on which the tax was commuted, shall be rejected.



## NOTE

Any person not an alien, of either sex, or any legally recognized association of persons, may become a registered owner of land, and may sell, purchase, lease, or mortgage land ; and any person, even though he be an alien, may be a tenant holding land either by lease or at will, or may be a mortgagee of land, or may inherit land ; therefore, the words, " he, his, him, and himself," as used throughout this DRAFT OF PROPOSED LAW, shall be held to include and shall be interchangeable with the words " she, her, hers, her, and herself," or with " they, their, theirs, their, and themselves," whenever the context requires such change of words in application.

## CHAPTER II

### COUNTY, DISTRICT, AND MUNICIPAL LAND OFFICES

1. FROM the 1st January, 1900, every person or association of persons claiming right of ownership in land within the limits of the United Kingdom of Great Britain and Ireland, or in the islands appertaining thereto, is hereby compelled to register every such claim or claims in land offices which shall be established for the purpose of such registry, and shall pay at same office an annual tax as hereinafter set forth, on all land, claim to right of ownership in which is so registered in his, her, or their name or designation. (See Chapter VII. § 1.)

2. Any register of a claim to right of ownership in land may be superseded by a fresh register in three ways:

(a) A registered owner may apply for the transfer of his claim to right of ownership in the land registered in his name, to some other person or association of persons. (See Chapter XV.)

(b) If any person come into possession of land, claim to right of ownership in which is registered

in the name of another person, he may apply for the re-registry of a claim to right of ownership in the land in his own name (see Chapter XVII.). Until this register is granted, he is not the legally recognized owner of the land.

(c) If right of ownership in land be forfeited (see Chapters XIV. § 7, XX. § 11 to § 19, and XXVI. § 12), the re-register of claim by the purchaser in public auction shall supersede the right and title conferred by any previous register.

3. For the purpose of making registry of claims to right of ownership in land, for receiving the annual tax, and for other purposes in connection therewith, as hereinafter set forth, there shall be established in the chief town of each county, or in such other place as may be deemed advisable by Government, an office of registry, which shall be styled "The County Land Office," the officials of which shall in each office consist of one "registrar," one "revising surveyor," and of assistants as may be found necessary.

4. Two or more contiguous counties may, at the discretion of Government, be grouped together, only one land office being established for each group.

5. Each county land office shall, previous to the 1st January, 1900, be furnished with a map or maps, based on the Ordnance Survey, showing the land contained within the limits of the jurisdiction of said office, and if in any instance no such map

be at present available, Government shall at once appoint competent surveyors to construct such map or maps.

6. In each county land office there shall be conspicuously displayed a list of the Justices of the Peace resident within the district appertaining to such office, with particulars of their several places of residence, and of the places where they are accustomed to sit for the administration of justice.

7. In the term "land," as it shall be understood for the purposes of registry, are included: all bays, estuaries of the sea, rivers, streams, lakes, mountains, hills, forests, wastes, moors, bogs, foreshores, etc., over which the National Government has jurisdiction.

8. The administration of this law shall in each county be under the supervision of the Chairman of the council of that county. All expenses which may be incurred in the exercise of this supervision, and in the administration of the office, payment of salaries, etc., shall be defrayed by the registrar from the revenues accruing to the land office appertaining to said county. The expenses of the installation of the office shall be defrayed from the ordinary revenues of the county council.

9. In connection with each county land office there shall at the same time be established a similar but separate land office, which shall be styled "The District Land Office," for the purpose of

making registry, etc., of claims to right of ownership in lands situate within any district within the said county which is governed by a district council. This office shall be under the supervision of the Chairman of the county council, and under the management of a "registrar," aided by a "revising surveyor" and by assistants, as may be found necessary.

10. All expenses incurred in the establishment, supervision, and administration of a district land office shall be defrayed by a *pro rata* contribution from the revenue accruing to each district council included in the jurisdiction of this office; the amount contributed by each district being decided by the council of the county to which these districts appertain.

11. Previous to the 1st January, 1900, every municipal corporation in the United Kingdom of Great Britain and Ireland shall establish, in connection with its municipal offices, a "Municipal Land Office," which shall be under the supervision of the chief of the corporation (mayor or provost), and under the management of a "registrar," aided by a "municipal surveyor" and by assistants, as may be found necessary. These officials shall be salaried servants of the corporation.

12. The nett proceeds of the annual tax, and of fines paid by registered owners of land situate within the jurisdiction of a county land office, and

of the rents paid by tenants of "waste land," etc., shall accrue to the revenue of the county council.

13. The nett proceeds of the annual tax, and of fines paid by registered owners of land situate within a district governed by a district council, shall accrue to the revenue of the said district council.

14. The nett proceeds of the annual tax, and of fines paid by registered owners of land situate within the jurisdiction of a municipal corporation, shall be a part of the revenue of each such corporation.

15. If in any case the annual nett proceeds specified in § 12, § 13, and § 14 exceed the requirements of the local authorities for that year, the surplus shall lapse to the national revenue of that year.

16. The proceeds of sales of "waste land" up to but not exceeding the price of three pounds per acre, shall be paid by each county registrar to the National Treasury for account of the national revenue of the year in which such sale is effected; and all proceeds from the sale of "waste lands" in excess of the three pounds per acre paid to the National Government, shall accrue to the revenues of the council of the county in which the said lands are situate.

## CHAPTER III

### THE REGISTRY OF CLAIMS TO RIGHT OF OWNERSHIP IN LAND

1. THE registrar of each and every land office shall admit every application for the registry, re-registry, or for the transfer of registry of claims to right of ownership in land, situate within the jurisdiction of his office, which may be presented to him in due form as hereinafter set forth, and shall make or change the registry in accordance with such application, without fee or charge of any kind. The registrar shall also register every mortgage on land or lease of land which may be duly presented to him for registry (see Chapters XIV. and XXII.), and county registrars shall grant and register every lease of "waste land" applied for in due form (see Chapter XIII.), without fee or charge of any kind.

2. The registrar shall not be responsible in any way for any loss or injury which may be suffered by rightful owners of land, in consequence of registry or change of registry being applied for by and granted to persons who may afterwards be proved

to have had no title to make such application, or to be considered as owners of the land which has been so registered in their name.

3. The registrar shall have nothing to do with the validity, or otherwise, of any document which may be presented to him as proof of any claim which may be asserted to right of ownership in land, all disputes concerning the value of documentary titles to land being left to decision by actions at law. Save only, that the registrar shall require proof of the personal identity of all applicants for registry, re-registry, or transfer of registry, who may appear before him, and proofs of the authenticity of any signatures appended to written claims, or to powers for the assertion of such claims, in cases when the actual writers of these signatures do not appear in person. The registrar shall, in virtue of his office, have no judicial authority whatever, but shall be merely an official guardian of evidence which may be used for judicial purposes.

4. Every person or association of persons laying claim to right of ownership in land not situate within the jurisdiction of a district council, or of a municipal corporation, shall, on making application for the registry of such claim, make assertion in writing of actual occupation of the land, either in person or by tenant or deputy, which assertion shall be certified by a Justice of the Peace resident in the county in which the land is situate, to be



known to him as true by common report. In default of such assertion or of such certificate by a Justice of the Peace, the registrar is prohibited from admitting the claim to registry.

5. The Justice of the Peace to whom such claimant may apply, shall not refuse to give the certificate required, on account of any belief he may have that the claimant is not the rightful owner of the land he occupies, his certificate being merely a guarantee of the occupation of the land, as specified by survey, by the claimant, either in person or by tenant or deputy. The Justice of the Peace may, however, postpone the granting of such certificate for a term not exceeding three months, in order that he may give notice of the application to any person whom he may suppose to be the rightful owner.

6. Every person or association of persons laying claim to right of ownership in land which is situate within the jurisdiction of a district council, or of a municipal corporation, shall, on making application for the registry of such claim, make assertion in writing of actual occupation of the land, either in person or by tenant or deputy, which assertion shall be certified by two householders resident within the same district, city, or town, to be known to them as true by common report. This certificate shall be signed in the presence of the Chairman of the council of the district, or of the municipal surveyor

of the city, or town, in which the land is situate, and shall be countersigned by the said Chairman or municipal surveyor, who shall not refuse his signature on account of any belief he may have that the claimant is not the rightful owner of the land he occupies, this signature being a guarantee of the genuineness of the other signatures and a further testimony to the truth of the assertion of occupancy. In default of such assertion or of such certificate, the registrar is prohibited from admitting the claim to registry.

7. In default of more definite occupation, the erection of a signboard on the land, asserting right of ownership therein, by the person or association of persons claiming to be the owner thereof, shall be held to be occupation of the land. No such signboard shall be erected without special permission from the county or district council, or from the municipal corporation, within whose jurisdiction the land is situate.

8. If a registered owner of land apply for the separate registry of a portion of this land, his application shall not include any assertion of actual occupation, nor shall his signature require the attestation specified in § 4 and § 6 (see Chapter XV. § 6). Neither shall any application for transfer of registry or for transfer of right to re-register (see Chapter XVII. § 23 to § 27) include any assertion of actual occupation of the land specified

in such application, nor shall the signature to such application require the attestation of local authorities. (See § 3.)

9. If possession and ownership of land registered in the name of one person or association of persons, pass to another person or association of persons, without direct transfer from the registered owner, the new owner on making application for the re-registry of claim to right of ownership in the land in his name, shall make assertion of actual occupation of the land, either in person or by tenant or deputy, which assertion and the signature of the applicant shall in like manner be certified by a Justice of the Peace resident in the county in which the land is situate, or by two householders resident within the same district, city, or town, and by the Chairman of the district council, or the municipal surveyor. In default of such assertion or of such certificate, the registrar is prohibited from admitting the claim for re-registry, and the land shall remain registered in the name of the previous owner, documentary proof of ownership alone being totally insufficient to warrant an application either for registry or re-registry. (See Chapter XVII.)

10. Original claimants to right of ownership in unenclosed land not situate within the jurisdiction of a district council or of a municipal corporation, shall be required to deposit with the registrar documentary proof of title (see Chapter IX.); but

in all other applications for original register the written assertion by the claimant of such basis to his claim as confers an ostensible title shall suffice, and the registrar shall grant the application without proof of the truth of this assertion.

11. Every applicant for the original registry of a claim to right of ownership in land shall be held to possess an ostensible title if the claim be based upon :

(a) An alleged purchase of the land from a previous owner.

(b) An alleged inheritance of the land from a previous owner.

(c) An alleged gift or cession of the land by a previous owner.

(d) Alleged possession of the land by foreclosure of a mortgage granted by a previous owner.

The name of the said previous owner from whom the land was purchased, inherited, received or foreclosed being stated.

(e) An alleged occupation of the land for a term of not less than twelve consecutive years antecedent to the date of the application, during which time the applicant has not paid rent or given any consideration to any one for the use of the land. (See § 2 and § 3, also Chapter VIII. § 7.)

12. Registry of a claim to right of ownership in land does not and shall not in itself confer any immediate title to right of ownership in the said

land, and the register may be cancelled by judicial authority. (See Chapter IV. § 11.)

13. If at any time during the course of twelve years from the day on which any register, re-register, or transfer of registry is effected, such register, re-register, or transfer of registry be pronounced by judgment in court of law to be illegal, such judgment shall have the power to cancel the register in question and all subsequent registers which may be thereon dependent, and they shall cease to be of any value as evidence of right of ownership in the land to which they refer; always providing that this power to cancel such register, re-register, or transfer of registry be enforced before the expiration of these twelve years.

14. No judgment in court of law, pronounced after the expiration of twelve years from the day on which any register, re-register, or transfer of registry was effected, shall have any power to cancel any such register, no matter by what means or by what false or fraudulent representation or assertion such register, re-register, or transfer of registry have been obtained.

15. The registrar shall have no power or authority of his own option to cancel any register standing in his books in consequence of any such judgment pronounced in court of law, and shall take no cognisance of it whatever until it be presented to him by an applicant for re-registry of

claim to right of ownership in the land in question, which claim is based upon said judgment (see Chapter XVII. § 12, and Chapter XX. § 13), or when it is presented in accordance with the provisions of Chapter IX. § 7 and § 8, or Chapter XXI. § 11 and § 14.

16. If such judgment be so presented to the registrar within twelve years from the day on which the register, re-register, or transfer of registry in question was effected, the registrar shall at once cancel the said register, and it and all registers derived from it, if any, shall have no further force or power.

17. If such judgment be so presented to the registrar after the expiration of twelve years from the day on which the register, re-register, or transfer of registry in question was effected, the registrar shall reject any application for re-registry which is based upon such judgment, even though the applicant be in actual possession and occupation of the land, the then registered owner remaining, in spite of such judgment, the legal and rightful owner of the land. (See Chapter IV. § 1 and § 6, and Chapter XVII. § 14 to § 21.)

18. If a life-owner of land, by false representation and assertion, procure full registry of the land in his name, any specified or possible heir in reversion to right of ownership in this land may apply to the Lord Chancellor for an injunction to the

registrar of the county, district, city, or town in which the land is situate, directing him to cancel such false register and any re-registers or transfers of registry which may be thereon dependent. After the expiration of twelve years from the day on which such false register was effected, the Lord Chancellor shall have no power to grant any such injunction.

19. If any register, re-register, or transfer of registry which is pronounced by judgment in court of law, or by injunction from the Lord Chancellor, to be illegal, remain uncanceled after the expiration of twelve years from the day on which it was effected, this judgment in a court of law or injunction from the Lord Chancellor shall become void and of no effect; and the said register, re-register, or transfer of registry shall, in spite of such judgment or injunction, be thenceforth held to give full title to right of ownership in the land to the person or association of persons in whose name or designation said register, re-register, or transfer of registry was effected. (See Chapter IV.)

20. No land can be registered or re-registered in the name of a life-owner so long as any mortgage exists registered upon it. (For exception, see Chapter XXI. § 18.)

21. If any registered owner of land on which a mortgage is registered apply for the separate registry of a portion of this land, the registrar shall reject the application.

22. No land shall be admitted to registry in the names of two or more persons jointly and indivisibly, unless these persons form a partnership or association recognized by law. Marriage shall not be held to form such an association, and any plot of land held in joint possession by a husband and wife must be registered in the name of one of them, or must be divided, and each portion registered separately.

23. Land held in trust shall be registered by the trustee or trustees in the name or designation of the person, association of persons, or institution for whose benefit the said trust was created. Any application for registry or re-registry on behalf of, or for transfer of registry to, any person at that time unborn, shall be rejected by the registrar, and such register, if granted, shall be illegal. (See Chapter IV. § 8, and Chapter XVII. § 14 to § 19.)

24. If any application for registry, re-registry, or transfer of registry, which ought to have been rejected, has been admitted by the registrar, this register is illegal and may be cancelled by judicial decree at any time within twelve years from the date of such register, but after expiration of these twelve years no such decree shall have any power to cancel such register (see § 1, § 4, § 14, § 23; also Chapter IV. § 1, § 2, and § 8; also Chapter V. § 5, Chapter VIII. § 11, Chapter IX. § 5, Chapter XV. § 4, § 5, § 9, and § 11, Chapter XVII.



§ 1, Chapter XVIII. § 3 to § 8, etc. etc.). The registrar is prohibited from cancelling, amending, or altering, on any pretext, any register which may have been granted by him, until application for such change be made to him in due form, authorized by judicial decree, or by injunction from the Lord Chancellor.

25. No person who is not a subject of the British Empire, shall have any right to make in his own name registry of claim to right of ownership to any land in the United Kingdom of Great Britain and Ireland. Every registrar is accordingly prohibited from accepting any application for register proffered by an alien (see Chapter XVII. § 37), and from accepting any transfer of registry to an alien. No such disability shall attach to any person of foreign birth or parentage, who has applied for and obtained naturalization.

## CHAPTER IV

### THE EFFECT OF THE REGISTRY OF CLAIMS TO THE RIGHT OF OWNERSHIP IN LAND

1. THE registry of a claim to right of ownership in land shall, after the expiration of a term of twelve consecutive years, in itself constitute a full and perfect title to the ownership of said land by the person or association of persons in whose name or designation such registry is effected, to the exclusion of any other title not dependent upon and derived from said register, which may be produced subsequent to the expiration of these twelve years; always providing that the said register has not during these twelve years been cancelled by decree of some competent tribunal, on the ground that the claimant of said register procured it by false or fraudulent representation or assertion.

2. In like manner the re-registry or transfer of registry of a claim to right of ownership in land, which supersedes a previous register and changes the registered ownership of the land to the name

or designation of some other person or association of persons, shall, at the expiration of a term of twelve consecutive years, in itself constitute a full and perfect title to the ownership of such land by the person or association of persons in whose favour such re-registry or transfer of registry was made, to the exclusion of any title not thereon dependent or not therefrom derived, which may be produced subsequent to the expiration of these twelve years; always providing that said re-registry or transfer of registry has not during these twelve years been cancelled by decree of some competent tribunal, on the ground that the said re-registry or transfer of registry was procured by false or fraudulent representation or assertion.

3. If during these twelve years any land registered in the name or designation of one person or association of persons, or any portion of such land, have been sold, devised, assigned, or inherited, and it or any portion of it have been re-registered in the name of, or if transfer of registry have been made in the name of, another person or association of persons; the original register of such land (if uncanceled) shall at the expiration of these twelve years bar any claim to right of ownership in this land, or in any portion of it, which may be based otherwise than upon alleged fraudulent or illegal re-registry in the name of, or transfer of registry to the name of, such other person or association of

persons, or which is not dependent upon or derived from said re-register or transfer of registry.

4. If, after the expiration of twelve years from the date of a register of claim to right of ownership in land, there exist a suit at law, by which right of ownership is claimed in this land by some person not the registered owner, which claim is based upon some transaction of date previous to the date of said register, and not upon any subsequent re-registry or transfer of registry, the registered owner of the land, whether he be the person specified in said register, or have acquired register by supersession of said register, shall be entitled to present to the court before which the case is on trial an attested copy of such "Act of Registry" (if it be uncanceled), which shall at once and *ipso facto* bar all further proceedings, the title of the person specified as owner in this "Act of Registry" being after the expiration of twelve years indefeasible, no matter in what way he may have come into possession of the land, and legalizing all subsequent re-registers or transfers of registry in so far as their validity may depend upon the validity of said antecedent register.

5. Any claim to right of ownership in land, which is based upon alleged fraudulent or illegal registry, re-registry, or transfer of registry on the part of a registered owner of the land in question, must be substantiated by process at law, and en-

forced within twelve years of the date of such fraudulent registry, re-registry, or transfer of registry, or such claim shall become untenable by lapse of time.

6. The registry of a claim to right of ownership in land under another name or designation, either by re-registry or by transfer of registry, supersedes the right of ownership in said land conferred by any previous register upon which said re-register or transfer of registry may be dependent, but shall not in itself be held to cancel the validity of any such preceding register, which, by the expiration of twelve years from the date at which it was effected, becomes (if it remain uncanceled) an indefeasible title to right of ownership in the land, and a proof that the person specified in this preceding register had full power to transfer, assign, or devise right of ownership in the land, and that his heirs, executors, or assigns had full right to claim re-registry if such have been done. If such re-registry or transfer of registry have been obtained by false or fraudulent representation or assertion, the person specified as owner of the land in such preceding register, or his heirs, executors, or assigns, after the expiration of twelve years from date of such preceding register, may demand possession of the land as being the real owner or owners thereof, on proving before a competent tribunal the fact that the representation or assertion by which said

re-registry or transfer of registry was procured was false or fraudulent.

7. The registry of a claim to right of ownership in land under another name or designation, either by re-registry or by transfer of registry, if uncanceled at the expiration of twelve years from the date at which such re-registry or transfer of registry was effected, shall cancel the right and title conferred by any previous register.

8. No proof of fraudulent or illegal registry, re-registry, or transfer of registry, brought forward after the expiration of twelve years from the date at which it was perpetrated, shall in any way invalidate the full and perfect title to right of ownership in land, which is conferred by the fact of the uncanceled register of claim to such right of ownership for twelve years.

9. If any executor, trustee, agent, or other such person do by false or fraudulent representation or assertion procure registry of land in the name of some person who is not the rightful owner thereof, the expiration of twelve years from the date of such registry, which renders indefeasible the title of the person in whose name the land has been so registered, shall in no way exonerate the said executor, trustee, agent, or other such person from his responsibility to the rightful owner of the land for loss or injury he may suffer in consequence of said false or fraudulent representation or assertion, if, subsequent

to the expiration of these twelve years, he prove that claim to right of ownership in the land ought to have been registered in his name, and not in the name of the person who by said false or fraudulent representation or assertion has acquired legal title to such right of ownership.

10. The registry of a claim to full right of ownership in land shall confer upon the registered owner, or upon his trustees for him if he be a minor, exclusively, the power to grant lease of this land or to establish a mortgage upon it. (See Chapter XXII. § 1 and § 24, and Chapter XXIV. § 3 and § 4.)

11. The following registers shall be in themselves indefeasible titles to right of ownership in land by the person or association of persons in whose name or designation these registers are inscribed :

(a) Any register, re-register, or transfer of registry which has subsisted for twelve consecutive years. (See § 3 and Chapter II. § 2.)

(b) Any original register which has been declared by judicial decree to be an indefeasible title. (See Chapter VIII. § 13 to § 19.)

(c) Any re-register of one plot of land formed out of two or more separate plots of contiguous land, each of which plots has been registered in the name or designation of the same person or association of persons for twelve consecutive years. (See Chapter XVII. § 31 and § 32.)

(*d*) Any original register of land purchased in public auction, which land has been sold by the Chairman of the council of the county, or by the mayor or provost of the city or town, in which it is situate, in consequence of forfeiture by failure or neglect to register. (See Chapter XII.)

(*e*) Any re-register of land purchased in public auction, which land has been sold by the Chairman of the council of the county, or by the mayor or provost of the city or town, in which it is situate, in consequence of forfeiture by judicial decree as penalty for evil use of the land by the previous owner. (See Chapter XX. § 11 to § 13, and § 17 to § 19.)

(*f*) Any re-register of land purchased in public auction, which land has been sold by the Chairman of the council of the county, or by the mayor or provost of the city or town, in which it is situate, in consequence of forfeiture by neglect to pay tax for five successive years (see Chapter XXVI. § 12), or in sequence of foreclosure of mortgage. (See Chapter XIV. § 7.)

(*g*) Any original register of land purchased by a tenant of "waste land" at the expiration of a tenancy of ten or more years. (See Chapter XIII.)

(*h*) Any register or re-register of land in the Kingdom of Ireland by an occupying tenant, or any transfer of registry made in favour of such tenant, during the four years from 1901 to 1904



inclusive, providing such tenant have duly purchased the land from the previous owner, by cash payment or by granting of mortgage. (See Chapter XXV. § 14 and § 15.)

(i) Any original register of land purchased from Government in the Kingdom of Ireland, under the "Bright clauses" of the Act of 1870, or under the provisions of Lord Ashbourne's Act, or the Act of 1891. (See Chapter XXV. § 27.)

12. If registered land be forfeited for any cause and be sold in public auction by the Chairman of the council of the county, or by the mayor or provost of the city or town, in which it is situate, the registered owner so dispossessed shall either, immediately, if his register be an indefeasible title, or at any later date at which it may become an indefeasible title, be entitled on presentation to the Court of Chancery in which the nett proceeds of this sale are deposited, of an attested copy of his "Act of Registry," to demand from the said court the delivery to him of the said nett proceeds as being the legal owner thereof, subject always to the prior claim which may be advanced by the owner or owners of any mortgage or mortgages which were registered upon the land at the date of such forfeiture. (See Chapter XIV. § 7, Chapter XX. § 14, and Chapter XXVI. § 12.)

## CHAPTER V

### SURVEYS AND PLANS

1. EVERY surveyor desiring to exercise his profession in the prosecution of surveys of land for registry, which land is not situate within the jurisdiction of a municipal corporation, must present his credentials to the registrar of the county in which such land is situate. If these give sufficient guarantee of competence, his name shall be inscribed in a list of "authorized surveyors," which list shall be conspicuously displayed in the "land office" of said county, and also in the "district land office," thereto affiliated, and he shall be entitled to a certificate from the registrar that he is authorized to make surveys within said county.

2. Each plan presented by an applicant for registry shall be accompanied by a written detail of the survey in explanation of the plan. If the survey be of enclosed land, this detail shall specify whether the enclosing fences stand on the land claimed, or whether they belong to a neighbour, or whether they are held jointly with a neighbour, in

which last case the boundary line shall be drawn along the centre of the fence. The plan shall also give the names of all proprietors of contiguous land and the position of their properties. Both plan and explanation shall be signed by the surveyor, who shall be responsible for their accuracy.

3. In each such plan so made out for the purpose of registry of land claimed in ownership, it shall not be necessary to define anything more than the exterior lines of the land claimed, and no other lines shall be run or positions established, save such as may be necessary for calculation of the area of the land claimed, or for the establishment of points of departure.

4. The "revising surveyor" of each county or district land office shall revise each plan presented, checking the calculation of area, and shall append to it a certificate of its accuracy, if correct.

5. No plan shall be accepted by the registrar of a county or district land office, unless it be signed by an authorized surveyor and be approved of by the revising surveyor.

6. When any plan is presented to a revising surveyor, he shall compare it with the plans of any contiguous land or lands, claim to right of ownership in which has been already registered, in order to see that the dividing lines coincide, and if this new plan include any land claim to right of ownership in which has been already registered, he shall

refuse his certificate to such plan. (See Chapter XIX., and for exception, Chapter IX. § 9.)

7. When any plan is presented to a revising surveyor which is a section of a plot of land already registered, he shall draft a copy of this plan upon the plan of the original plot, marking out the position and limits of this section so separated.

8. Each revising surveyor shall establish the scale or scales upon which all plans presented to him must be drafted.

9. Every revising surveyor is prohibited from making surveys or plans for the registry of land situate within the county or districts of which he is revising surveyor.

10. No surveyor shall be entitled to payment for any survey or plan which is rejected by the revising surveyor.

11. Every surveyor before commencing a survey shall give at least six days' notice of the intended survey to all occupants of contiguous lands, in order that the owners of these lands may witness his operations, and if necessary make formal protest against any of his lines which they may consider to encroach upon their property.

12. Every such formal protest shall be embodied by the surveyor in his report, but unless such protest charge him with including land in his survey which is not in the actual occupation, either in person or by tenant or deputy, of the person

claiming right of ownership in it by such survey and subsequent registry, it shall not in any way invalidate the survey, which only becomes a proof of ownership after the expiration of twelve years.

13. Any survey and plan which includes land not in the actual occupation, either in person or by tenant or deputy, of the person or association of persons claiming right of ownership in said land by such survey, shall be rejected by the registrar.

14. If a surveyor's report include a protest from some owner of land contiguous to the land to which said report refers (see § 12), alleging that his survey includes land not occupied by the person on whose account such survey is effected, the registrar shall refer this report to the Justice of the Peace who has certified to the occupation of the land included in the survey by the applicant for registry.

15. The Justice of the Peace so applied to shall make strict inquiry into the allegation of the protesting neighbour. If after such inquiry he again certify to the occupation of the land by the applicant for registry, either in person or by tenant or deputy, the registrar shall admit the survey and claim to registry. If the Justice of the Peace decline to ratify his previous certificate, the survey and claim for registry shall be rejected by the registrar. (See Chapter VIII. § 4.)

16. Any person asserting claim to right of ownership in land, and including within his survey

more land than he be afterwards adjudged by law to have right to possess, shall, at the requisition of the neighbour on whose land he has encroached, be compelled to make a fresh survey and to apply for re-registry, annexing to such application a revised plan of his land. (See Chapter XIX.)

17. It shall be the duty of the revising surveyor of each county land office to see that all the land within the limits of the jurisdiction of said office is duly registered or marked out as "waste land"; also that no "enclosed lands" are registered as "unenclosed lands" and *vice versa*; and that when enclosure is made of "unenclosed land," such land be re-registered in the higher category, within one year of such enclosure.

18. When application is made for the registry of land situate within the jurisdiction of a district council, the land designated shall previously be surveyed by an authorized surveyor of the county in which the said district is situate, and the plan shall be revised and certified as correct by the revising surveyor of the district land office.

19. The plan of every such survey shall be accompanied by a written description of the houses or buildings which exist upon the land. When additions are made to the buildings, or when the same buildings are pulled down, rebuilt, or remodelled, the registered owner shall cause a fresh description to be drawn up by an authorized sur-

veyor, which he shall hand in to the registrar to be archived with the original plan. (See Chapter X. § 1 to § 4.)

20. When application is made for the registry of land situate within the jurisdiction of a municipal corporation, the land specified shall be surveyed by an assistant surveyor, and the plan shall be revised and certified as correct by the municipal surveyor. (See Chapter X. § 6.)

21. The plan of every such survey shall be accompanied by a written description of the houses or buildings which exist upon the land. When additions are made to the buildings, or when the same buildings are pulled down, rebuilt, or remodelled, the registered owner shall give notice of such change to the municipal surveyor, who shall instruct an assistant to make out a fresh description in accordance therewith, which shall then be archived by the registrar with the plan of the land previously existing.

22. No mortgage of the second class shall give any lien upon houses or buildings erected upon land situate within the jurisdiction of a district council or of a municipal corporation, if these houses or buildings be not included in the description of the survey archived with the plan of the said land.

## CHAPTER VI

### COMMON LANDS

1. IMMEDIATELY after the 1st January, 1900, the county council of each county shall mark out by official survey all lands which they may claim to be "common lands," wherever situate within said county.

2. Any person claiming right of ownership in any land so designated by the council as "common land," shall present to the council a formal claim to right of ownership in this land. If this claim be disallowed by the council, appeal may then be made by the claimant to a Special Committee of the House of Lords, appointed *ad hoc*, whose decision shall be final. No such appeal shall receive any attention after expiration of the year 1901.

3. During the first three months of the year 1900, all lands adjudged by a county council to be "common lands" shall be registered as such by the Chairman of the council at the land office of the county in which they are situate, and, if they be situate within the jurisdiction of a district council



or of a municipal corporation, then also in the district land office or in the municipal land office thereto appertaining. Plans in which their limits and area are clearly set forth being at the same time deposited with the registrar or registrars.

4. No permanent buildings or fences of any kind shall be erected on "common land," and no individual, association, or corporation can or shall claim any exclusive right in any portion of such land, unless such right be hereafter granted by special Act of Parliament.

5. Any lands so appropriated from "common lands" in future years shall be registered by the new proprietor or proprietors at the land office of the county, district, city, or town, in which they are situate, who shall be liable for the tax thereon from the 1st January next ensuing to the date at which such grant is enacted.

6. If a county council (see § 1) find within their jurisdiction any land not considered by them to be "common land," in which no person, association of persons, company, or institution claims right of ownership, and of which they consider it would be injurious to the public weal that any person should become owner, they may register it as "common land," and so prevent it from falling into the category of "waste land." (See Chapter XIII.)

## CHAPTER VII

### MUNICIPAL AND CORPORATION LANDS

1. ALL owners of lands situate within the jurisdiction of a district council or of a municipal corporation, are exempt from the necessity of making registry of claim to right of ownership in these lands at the county land office. The duty of registering these lands in the county land office shall devolve upon the district council or upon the municipality within whose jurisdiction they are situate. (See Chapter II. § 1, and Chapter X.)

2. Every district council shall, during the first three months of the year 1900, present to the registrar of the county in which their district is situate, a plan of the said district, clearly defining the boundaries and area thereof, and a certificate signed by the chief officers of said council attesting the authenticity and correctness of this plan. After approval of the plan by the revising surveyor, the district so delineated shall be registered under the designation of the said district council.

3. Every municipal corporation shall, during the first three months of the year 1900, present to the

registrar of the county in which their city or town is situate a plan of the entire district over which they claim to exercise jurisdiction (see Chapter V. § 3), clearly defining the boundaries and area of such district, and a certificate signed by the chief officers of the corporation attesting the authenticity and correctness of this plan. After approval of the plan by the revising surveyor, the district so claimed shall be registered in the name of the corporation.

4. If the boundary lines of any district council or of any municipal corporation include land situate in two or more counties, such corporation shall give in a plan of the entire district claimed by it to the registrar of each such county, each plan showing the boundary lines of each county which traverse said district and the portion of area appertaining to each county.

5. Lands so registered by district councils or by municipal corporations at a county land office, are exempt from the payment of tax to this office.

6. All district councils and municipal corporations possessing areas of land, for water supply or any other purpose, outside the limits of their jurisdiction, shall register claim to right of ownership in these lands, and shall pay tax upon them as is provided in Chapters VIII., IX., and X.

7. All railway and canal companies shall, during the first three months of the year 1900, present to the registrar of each county through which their

lines or canals pass, or in which they have possession of and claim right of ownership in any land, a complete plan or plans of all the lands so occupied by them, which do not lie within the jurisdiction of a district council or of a municipal corporation, with a formal declaration of their claim to right of ownership in such lands annexed, and with an exact computation of the area of each such occupancy.

8. The plans being approved by the revising surveyor, these lands and areas shall be registered in the name or designation of the company so making claim to right of ownership in them.

9. If any land not within the jurisdiction of a district council or of a municipal corporation, be used by any person or association of persons as a dock, a harbour, or as wharves giving access to such dock or harbour, and if right of ownership be claimed in this land by them or by other or others, a complete plan or plans of all lands so occupied must be presented to the registrar of the county in which they are situate, during the first three months of the year 1900, with an exact computation of the area of each such occupancy, and with a formal assertion of right of ownership annexed.

10. The plans being approved of by the revising surveyor, these lands and areas shall be registered in the name or designation of the person or association of persons so making claim to right of ownership therein.

11. No tax shall be paid in any land office for lands there registered, which are occupied by railways or canals, or by docks or harbours, or by buildings, roadways, or wharves in connection therewith.

12. If subsequent to the 1st January, 1900, any district council or municipality be newly incorporated, or any pre-existent district council or municipal corporation extend the area of its jurisdiction, plans of the lands so incorporated or acquired must be presented to the registrar of the county in which they are situate, and application made in due form for registry.

13. If any lands so incorporated or acquired be already registered, the council of the county in which they are situate, shall, by special resolution, authorize and instruct the registrar of the land office of the said county to transfer these registers, together with all the documents and plans archived therewith to the land office of the district, city, or town, within whose jurisdiction they come by this incorporation. The tax on these lands shall be changed in accordance, and shall be due for the first time only on the 1st January next ensuing. If arrears of tax, fines, etc., be due on these lands at the date of this change, the registrar of the county land office shall advise the registrar of the office to which the registers have been transferred of this liability (see Chapter XXVI. § 16), and shall, after one year's notice, sue the registered owners for payment.

## CHAPTER VIII

### THE REGISTRY OF "ENCLOSED LANDS"

1. "ENCLOSED land" shall be held to be land surrounded by any obstacle to intrusion, natural or artificial. Rivers, streams, and lakes, if no right of ownership be claimed in them, shall be held to be enclosing fences; also cliffs; also walls, hedges, ditches, gates, and all other classes of artificial fence. If various plots of land belonging to different owners lie within a common line of fencing, and are not themselves separated by fences, each such plot shall be held to be "enclosed land." No lands lying open to a public road shall be held to be "enclosed lands." (See § 4.)

2. Public roads shall be held to be such roads as are kept in repair at the public expense by county rates, etc. By-roads or paths over which the public has right of way, shall in no case be held to be public roads.

3. Any number of contiguous plots of land,

though separated by walls, fences, by-roads, or streams, may be included in one claim, but any person laying claim to right of ownership in enclosed lands lying on different sides of any public road, railway, or canal, or which are separated by any strip of land, stream, or river in which no right of ownership is claimed, shall present separate claims for each separate plot of land so divided.

4. Any person laying claim to right of ownership in "enclosed land" shall not be absolutely restricted to the exact area enclosed within the fences of such land, but if he claim right of ownership in any contiguous strips of land lying beyond the enclosing fence, these strips may be included in the plan of the land claimed; always providing that they are not held in occupation by some other person who does not pay rent or give some consideration for the use of them, and that they do not extend over or on to any public road, or to more than twenty yards' distance from the nearest line of fence. Any land lying beyond the distance of twenty yards from the enclosing fence must, if claimed, be laid claim to as unenclosed land. If the enclosing fence consist of an open ditch or of a mound, bordering upon a roadway, the line of the land claimed must be drawn at not less than one yard from the extreme outer edge of said ditch or mound. (See § 1, also Chapter V. § 2.)

5. Every person laying claim to right of owner-

ship in enclosed land, not within the jurisdiction of a district council or of a municipal corporation, shall, during the first nine months of the year 1900, or subject to fine (see Chapter XXVI. § 5), at any time previous to the 1st January, 1905, present to the registrar of the county in which said land is situate a plan of this land drawn up by an authorized surveyor, which plan shall clearly set forth the boundaries of said land and its exact area, including all private roads, streams, lakes, ponds, etc. With this plan he shall also present a written statement of his claim to be the owner of this land, and of the basis of this claim, and an assertion that he has actual occupation of the land, either in person or by tenant or deputy (see Chapter III. § 7). This document shall be signed by the applicant in the presence of a Justice of the Peace resident in the county in which the land is situate, who shall attest the authenticity of the signature, and shall also certify to the truth of the assertion of occupancy, as known to him by common report.

6. The applicant shall not be required to produce any documentary proof of the justice of his claim to right of ownership in the land (see exception, Chapter IX. § 6), and if this claim be based upon grounds which ostensibly (see Chapter III. § 11) confer title to right of ownership, and the assertion of actual occupation of the land be duly attested, and if the accompanying plan be



approved of by the revising surveyor, the application shall be admitted by the registrar, who shall inscribe at the foot of the document a formal acceptance thereof, which he shall sign and seal with his official seal, and shall then open a register of the land in the name of the applicant, who by the fact of such registry shall become liable from the 1st January, 1900, for the payment of an annual tax of four shillings per acre or fraction of an acre, on the area of said claim.

7. If any occupant of land in which he has no legal right of ownership, do by false or fraudulent representation or assertion procure registry of this land in his name, he shall, if the rightful owner be placed in possession by process at law within twelve years from date of such registry, be liable to said rightful owner for all costs he may have incurred in proving his title at law, in order to secure possession and re-registry in his name, and shall be further liable to prosecution for perjury.

8. No lien on land held by the occupant of the land, arising from existing mortgage or other such claim, does or shall give to such occupant any such right of ownership as can entitle him to claim registry of this land in his name; save only such rights as are specially provided for in Chapter XXII. § 4 and § 7, and in Chapter XXV.

9. If any tenant procure registry of a claim to right of ownership in the land he occupies, which

claim is not based upon the grounds specified in Chapter XXII. § 4 and § 7, or in Chapter XXV., but upon false representation or assertion, the rightful owner of the land shall not be required to prove his title in order to procure a judicial decree cancelling this register, but shall be entitled to such decree on proving that the said tenant has contracted to pay rent or give other consideration for the use of the land up to the date of such registry, and may then apply for original register of the land in his own name. (See § 7 and Chapter XVII. § 12.)

10. Any person who may have procured registry of a claim to right of ownership in land, which register is cancelled by judicial decree, shall have no claim upon the succeeding registered owner for any tax or taxes he may have paid during the continuance of this illegal register.

11. No application for the original registry of enclosed land shall be admitted by any registrar after the 31st day of December, 1904, all land not registered at that date incurring forfeiture, as set forth in Chapter XII.

12. From this prohibition are excepted:

(a) Lands forfeited by failure or neglect to register, which must be registered by the purchaser. (See Chapter XII.)

(b) Enclosures of "waste land" purchased by tenants, for which registry on purchase may be

claimed during the last year of a lease. (See Chapter XIII.)

13. Every registered owner of land who has been in possession of this land for any time previous to the 1st January, 1900, may apply to any civil court competent to decide in cases of disputed ownership in land, for a judicial revision of his title to the land. The court shall at once cause notice of this application to be advertised in the local papers for one month, and shall postpone revision of the title for at least three months. If during these three months any formal protest against the right of the applicant to be considered as owner of the land be presented to it, the court shall, if it see in the evidence adduced in support of such protest any grounds for doubting the validity of the title presented to it, refuse the application, but in default of such evidence shall dismiss the protest as frivolous and unworthy of attention.

14. If the court consent to revise the title and decide that said title is without flaw, the said registered owner shall then be entitled to a judicial decree from the said court declaring the original register of this land to be an indefeasible title to right of ownership in it.

15. The registered owner shall then make formal presentation of this decree to the registrar of the land office in which the land is registered, who

shall archive it with the original application for registry, and shall add to the "Act of Registry" a note specifying that this register has been declared by judicial decree to be an indefeasible title.

16. If, however, the court find in the title presented to it for revision some flaw which might throw doubt on the validity of said title, it shall refuse to grant any such decree.

17. No registered owner of land whose claim is entered as a re-register or a transfer of registry, shall have any right to have his individual title declared indefeasible by judicial decree, but he shall at any time during the twelve years concluding on the 31st December, 1911, have equal right with the original registered owner to apply for a revision of the title upon which the said original claim was based, and if his application be successful, shall in like manner be entitled to a judicial decree declaring the said original register an indefeasible title.

18. If the registered owner of any plot of land have, previous to the 1st January, 1900, registered this land in his name in accordance with the provisions of the "Registration Act of 1875," the said registered owner shall, on presenting to the registrar of the county, district, city, or town in which said land is situate, proof of such previous registration, be entitled to demand that his register in the books of the land office be antedated to the day on which

said previous registration was effected, and this register shall (if it remain uncanceled), on the expiration of twelve years from the date of said antecedent registry, become an indefeasible title to right of ownership in the land.

## CHAPTER IX

### THE REGISTRY OF LANDS UNENCLOSED

1. ANY person claiming right of ownership in land unenclosed, which land is not situate within the jurisdiction of a district council or of a municipal corporation, shall be required to show documentary evidence of such right, which evidence shall consist of attested copies of the deeds by virtue of which the applicant claims right of ownership in said land (see Chapter III. § 3). This evidence shall be accompanied by a written assertion of actual occupation of the land by the claimant, either in person or by tenant or deputy (see Chapter III. § 7), which assertion shall be signed by said claimant in presence of a Justice of the Peace resident in the county in which the land is situate, who shall attest the authenticity of the signature, and shall also certify to the truth of this assertion as known to him by common report.

2. The person so claiming right of ownership in unenclosed land shall, during the first nine months of the year 1900, or subject to fine, up to the 31st

December, 1901, apply to the registrar of the county in which the land is situate, for registry of a claim to right of ownership in the land in his name, annexing to the application the documents specified in § 1, and a complete plan of the land so claimed, drawn up by an authorized surveyor. If the documents give ostensible proof of the justice of the claim, if the assertion of occupancy of the land be duly certified, and if the accompanying plan be approved of by the revising surveyor, the application shall be admitted by the registrar, who shall inscribe at the foot thereof a formal acceptance of it, which he shall sign and seal with his official seal, and shall then open a register of the land in the name of the applicant, who shall by such registry become liable from the 1st January, 1900, for an annual tax of four shillings per acre or fraction of an acre on the area of land so claimed, which area shall include the superficies of all or any public road or roads which may cross the land, also that of all by-roads, paths, rivers, streams, lakes, ponds, moors, bogs, etc. etc., lying within the limits of the claim.

3. If within the boundaries set forth in the documentary title of the land so claimed there exist any "common land," any district, any municipal corporation, or any "enclosed land" in the occupation of the same owner or other owners, the area or areas of any or all land or lands so occupied shall be deducted from the total area as

set forth by the plan and documentary title, and tax shall be payable on the reduced area.

4. No claimant to right of ownership in unenclosed land shall be permitted to register a smaller area than the total area comprehended in the title, after deducting such area or areas as is or are comprehended in the preceding paragraph. When such land is bounded on any part by the sea, by a tidal river, or by an estuary of the sea, the boundary line shall be drawn at high-water mark, and tax must be paid on all land above this line, even though it consist of barren rocks and sand. The revising surveyor shall refuse to give certificate of accuracy to any plan in which such land is not included, if by the terms of the title any such land fall within the lines of survey. If such inaccuracy be discovered after register is granted, the registrar shall denounce this inaccuracy to the Chairman of the county council, who shall notify the registered owner to produce a fresh plan within one year, in which this inaccuracy shall be corrected. If such corrected plan be not registered within one year, the Chairman of the county council shall claim the entire area for the nation as "waste land" by process at law. The fact of the registered plan and the title not being in accordance shall be accepted as proof of insufficiency of title. (See Chapter XIII. § 1.)



5. A claim based upon inheritance of manorial rights shall in no case be held to give title to right of ownership in unenclosed land. Deeds which carry back the title only to some date subsequent to the 1st January, 1888, shall not be admitted by the registrar as evidence of right of ownership in unenclosed land.

6. Any owner of a documentary title to unenclosed land, which land he declines to register, may, previous to the 1st January, 1902, enclose any portion or portions of such land, and may apply for registry of such portion or portions in his name, as provided in Chapter VIII., annexing to his application attested copies of the document by virtue of which he lays claim to right of ownership in the land. This application shall not be admitted by the registrar if said documents show title only to some date subsequent to the 1st January, 1888.

7. It shall be the duty of the Chairman of the council of each county to see that any land which is enclosed after the 1st January, 1900, be registered prior to the 1st January, 1902, in accordance with the provisions of § 6. (See Chapter XIII. § 1.)

8. If two or more claims to right of ownership in unenclosed land overlap, each claimant shall be entitled to register the full amount of his claim until the question of ownership be decided by mutual agreement, by arbitration, or by process at

law, when fresh application shall be made for re-registry, and the deficit in area resulting from such arrangement or decision shall not in such case invalidate the claim for registry. (See § 4.)

9. Any registered owner of unenclosed land may at any time enclose the whole or any portion or portions of the land registered in his name, applying within one year of such enclosure to the registrar of the county in which the land is situate for re-registry of the whole or of any portion or portions of it as may be, under the category of "enclosed land," in the form as required for registry of such land (see Chapter III. § 8). The fact of such enclosure or enclosures shall be annotated by the registrar on the original sheet of registry. If land still remain unenclosed, the area enclosed shall be deducted from the area specified in such original register, and the tax reduced in proportion from the 1st January next ensuing. (See Chapter XXVI. § 16.)

10. The tax on all lands so separated from larger areas shall invariably be levied only from the 1st January next succeeding to the date at which such separate register is granted.

11. No fences erected for the enclosure of land shall be permitted to obstruct any right of way enjoyed by the public or by individuals.

12. Every registered owner of unenclosed land who has paid tax on this land for five successive years shall during the year 1904 be entitled to sell

this land to the nation at a price which may be considered equitable by the council of the county in which the said land is situate, which price shall in no case exceed thirty shillings per acre. The purchase money shall be paid by a draft on the national exchequer.

13. All land so purchased shall immediately be classed as "waste land," and may be rented or sold, as is provided in Chapter XIII.

14. If any single plot of land, whether enclosed or unenclosed, in which one person or one association of persons claims right of ownership, extend into two or more counties, the boundary lines of each county shall be held to divide the land into separate plots, each of which must be registered separately in the land office of the county in which it is situate. If, however, these counties be grouped together within the jurisdiction of one land office, there shall be no necessity for any such division of the land.

15. The provisions of Chapter VIII. § 7 to § 18 inclusive, shall have equal application to lands unenclosed.

## CHAPTER X

### THE REGISTRY OF URBAN LANDS

#### PART I

1. As each district governed by a council is registered in the land office of the county in which it is situate (see Chapter VII. § 2), or is held to be situate in accordance with the Local Government Act, 1888, the registrar shall deliver a copy of the plan of said district to the registrar of the district land office, to his office affiliated. The registrar of the said district land office shall open a complete set of books and registers for each district so notified to him.

2. Every person or association of persons laying claim to right of ownership in land situate within a district governed by a council, shall, during the first nine months of the year 1900, or subject to fine (see Chapter XXVI. § 5), at any time previous to the 1st January, 1905, present to the registrar of the district land office of the county in which this land is situate, a plan of this land drawn up by an authorized surveyor (see Chapter V. § 18 and § 19). With this

plan he shall also present a written statement of his claim to be the owner of this land and of the basis of this claim, and an assertion that he is in actual occupation of the land either in person or by tenant or deputy (see Chapter III. § 7). This document shall be signed by the applicant in the presence of the Chairman of the local council and of two householders resident within the same district, who shall attest the authenticity of the signature, and shall also certify to the truth of the assertion of occupancy, as known to them by common report.

3. If this claim be based upon grounds which ostensibly confer title to right of ownership in the land (see Chapter III. § 11), and the plan be approved of by the revising surveyor, the application shall be admitted by the registrar, who shall inscribe at the foot of the document a formal acceptance thereof, which he shall sign and seal with his official seal, and shall then open a register of the land in the name of the applicant, who by the fact of such registry shall become liable from the 1st January, 1900, for the payment of an annual tax of ten shillings per rood or fraction of a rood on the area of said claim.

4. The provisions of § 9 to § 12 inclusive, relating to lands situate within the jurisdiction of municipal corporations, shall be equally applicable to lands situate within the jurisdiction of a local council, save only that the annual tax if payable on

such lands, shall be levied at the rate of ten shillings per rood or fraction of a rood.

## PART II

5. Every person or association of persons laying claim to right of ownership in land situate within the jurisdiction of a municipal corporation, shall during the first nine months of the year 1900, or subject to fine (see Chapter XXVI. § 5), at any time previous to the 1st January, 1905, present to the registrar of said municipality an application for an official survey of said land.

6. The registrar shall invariably accept every such application and shall pass it on to the municipal surveyor, who shall cause the land to be surveyed by one of his assistants. The plan and description of the survey shall be revised and certified by the said municipal surveyor, who shall hand over to the applicant the certified plan on payment of the costs of survey.

7. The applicant shall then make formal application in writing, to the registrar, for the registry of a claim to right of ownership in the land, in which he shall make a statement of the basis of this claim, and an assertion that he has actual occupation of the land, either in person or by tenant or deputy (see Chapter III. § 7). This document shall be signed by the applicant in presence of the

municipal surveyor and of two householders resident within the jurisdiction of the same municipality, who shall attest the authenticity of the signature and the truth of the assertion of occupancy. To this application the certified plan shall be annexed.

8. If this claim be based upon grounds which ostensibly confer title to right of ownership in the land (see Chapter III. § 11), the signature and assertion of occupancy be duly attested (see § 7), and the plan be certified by the municipal surveyor, the application shall be admitted by the registrar, who shall inscribe at the foot of the document a formal acceptance thereof, which he shall sign and seal with his official seal, and shall then open a register of the land in the name of the applicant, who by the fact of such registry shall become liable from the 1st January, 1900, for the payment of an annual tax of twenty shillings per rood or fraction of a rood on the area of said claim.

9. If one person or one association of persons lay claim to right of ownership in two or more contiguous properties held under different titles, the whole of these properties may be registered under one claim, but if properties belonging to one owner are divided by a street or roadway or by any land which is not claimed by the same person, a separate application for registry must be made for each such property. If the street or roadway above mentioned be the property of the owner of the

land contiguous thereto, then the intervention of such street or roadway shall not prevent the adjacent lands from being included, with such street or roadway, in one claim to right of ownership therein.

10. The provisions of Chapter VIII. § 7 to § 18 inclusive shall have equal application to lands situate within the jurisdiction of a municipal corporation or within a district governed by a local council.

11. All railway and canal companies, and all persons and companies holding lands occupied by docks or harbours and their approaches, shall, during the first three months of the year 1900, present to the registrar of every municipal corporation, a complete plan or plans of all the lands occupied by them within the jurisdiction of each such municipal corporation, if they claim right of ownership therein, with a formal declaration of this claim annexed, and with an exact computation of the area of each such occupancy.

12. These plans shall be revised by the municipal surveyor, and if by him certified as correct, these lands and areas shall be registered in the name or designation of the company so making claim to right of ownership. All lands so occupied shall be exempt from payment of the "Registration Tax." (See Chapter VII. § 11.)

13. The County of London shall, so far as regards the registry of claims to right of ownership in land within its limits, be held to be a municipal corpora-



tion, and the land office established in connection therewith shall be under the supervision and administration of the council thereof. Instead of one "revising surveyor" for this office, a "municipal surveyor" shall be appointed for each separate city or township included within the jurisdiction of the said county council, and the "Registration Tax" shall be levied at the rate of five pounds per rood or fraction of a rood on the area of each such claim.

## CHAPTER XI

### EXEMPTIONS FROM TAXATION

1. ALL lands occupied by Government for executive purposes, such as palaces which are not the private property of the reigning sovereign, barracks, arsenals, dockyards, training-grounds, prisons, penitentiaries, or by monuments and cathedrals which are the property of the nation, etc. etc., shall be exempt from tax, but must be registered as "Government land" by the official in charge thereof, at the land office of the county, district, or municipality within whose limits they are situate, and plans thereof deposited with the registrar, during the first three months of the year 1900.

2. "Crown lands" are exempt from tax, but must be registered as such by the Commissioners, at the land office of the county, district, or municipality within whose limits they are situate, and plans thereof deposited with the registrar, during the first three months of the year 1900.

3. Land occupied by public roads, and cut off by

fences of any kind from the contiguous land, is exempt from tax.

4. "Waste lands" are exempt from tax.

5. Lands the property of a county council and situate within its jurisdiction; lands the property of a district council and situate within its jurisdiction; and lands the property of a municipal corporation and situate within its jurisdiction, are exempt from tax, but must be duly registered as such in the land offices thereto appertaining, and certified plans deposited with the respective registrars.

6. Lands occupied by the lines, sidings, and stations of railway companies, are free from tax, but any detached lands held in ownership by these companies, no matter for what purpose they are used, shall pay tax as though they were held by private individuals.

7. Lands occupied by the canals, locks, towing paths, and stations of canal companies, are free from tax, but any detached lands held in ownership by these companies, no matter for what purpose they are used, shall pay tax as though they were held by private individuals.

8. Lands occupied by docks, harbours, wharves, and their approaches, to which the public have access, are free from tax.

## CHAPTER XII

### NEGLECT OR FAILURE TO REGISTER

#### PART I

1. IF, after expiration of the year 1900, any enclosed lands, not situate within the jurisdiction of a district council, or of a municipal corporation, remain unregistered, the registrar of the county in which they are situate shall notify the supposed owners, by circular and by advertisement in local papers, of their neglect to register, and if the lands remain unregistered, shall renew such notice during the first three months of three successive years, and in the year 1904 shall repeat these circulars and advertisements in the months of July and October, calling special attention to the forfeiture which will be incurred by neglect or failure to register before the close of the year 1904.

2. Any enclosed land which is or remains unregistered on or after the 1st day of January, 1905, shall at or after that date be denounced by the registrar of the county in which it is situate, to the Chairman of the council of the said county, as

being without owner, and the registrar shall at the same time notify the holder or holders of any mortgage or mortgages which may be registered upon the land of the forfeiture incurred by the owners of the land. The Chairman shall, on receipt of this denunciation, advertise the land for one month as for sale by public auction, together with all houses, buildings, fences, etc., thereon existing, in one lot, to the highest bidder for cash. The purchaser shall, on payment of the purchase money, be immediately placed in possession of the land by the local authorities.

3. The purchaser of the land thus sold shall, after receiving possession of the land, cause survey to be made of it by an authorized surveyor, and shall then apply in due form to the registrar for registry of the land in his name, annexing to the application, in addition to the certificate of occupation from a Justice of the Peace, a certificate from the Chairman of the county council that this land, being forfeited by a previous owner on account of failure or neglect to register, has been sold in public auction to the applicant, who has already paid the purchase money, of which the amount shall be stated. The purchaser, on making said application, shall pay to the registrar the sum of two pounds per acre or fraction of an acre on the area declared by survey, in liquidation of arrears of tax and fines, advertisements, etc., without which

payment the registrar is prohibited from admitting the application.

4. This payment of two pounds per acre or fraction of an acre does not include the tax already due of the current year, immediate payment of which is not compulsory. (See Chapter XXVI. § 17.)

5. When by this payment of arrears, and on approval of the plan presented by the revising surveyor, the registrar is entitled to grant registry of the land, he shall register it in the name of the applicant, and this register of land so purchased shall become, *ipso facto*, an indefeasible title to right of ownership in the land specified, shall bar all antecedent titles, and no pre-existing mortgage can thereafter give any lien upon it.

6. Neglect to register land so purchased within one year from the date of forfeiture shall entail a second forfeiture. The land shall revert to the category of "waste land," and may be leased and sold as is for such lands provided in Chapter XIII.

7. Each such sale by auction shall invariably be for cash, and the nett proceeds, after deducting all expenses incident to the sale, shall be lodged in Chancery by the Chairman of the county council for account of any person or persons who may prove a just claim to such proceeds or to any part of them, within a term of twenty-five years from the date of such sale by auction. If at the expiration

of this term of twenty-five years no claimant for this money have succeeded in proving his claim to it or to some part of it, it, or such remaining portion of it, shall lapse to the national revenue of that year.

N.B. In this case, and in all other similar cases, cited later on in this chapter and in Chapter XX. and XXVI., if the owner thus forfeiting possession and ownership of land be a tenant-in-tail under a deed of settlement, the nett amount accruing from the sale of the land shall be invested by the Court of Chancery in approved securities, the interest on which shall be applied as the said court shall determine during the life-time of the said tenant-in-tail, on whose demise the said securities shall become the absolute property of the heir succeeding under the said deed of settlement.

8. Every sale of land forfeited shall be by public auction, with the sole reserve that no less price will be accepted than one that will cover all the expense incident to this sale by auction, including advertisement for one month previous. If no purchaser appear who will offer this price, having in view his further liability of two pounds per acre or fraction of an acre, for arrears of tax and fines, advertisements, etc., the land shall become the property of the nation, shall be classed as "waste land," in which no antecedent title can ever afterwards give any claim to right of ownership, on which no pre-

existent mortgage can thereafter give any lien, and which may be rented and sold as is for such land provided. (See Chapter XIII.)

9. The provisions of the preceding clauses shall have reference exclusively to lands which are not situate within the jurisdiction of a district council or of a municipal corporation.

10. If any land, right of ownership in which is forfeited by failure or neglect to register, be at the date of such forfeiture in the possession of a life-owner, the said life-owner shall have no claim to the proceeds of the sale by auction, which shall remain in Chancery until by the death of the said life-owner the heir in reversion to the land become entitled to claim the said proceeds.

N.B. If any such life-owner exist at the present day, which is very doubtful, he will be one holding his land by virtue of the Law of Entail passed in the fourteenth century. These lands are almost if not entirely held as "leasehold property," and are by the provisions of Chapter XXII. § 4 and § 8, the property of the lease-holders thereof, subject to certain dues therein defined.

## PART II

11. If, after expiration of the year 1900, there remain any unenclosed land unregistered, which land is not situate within the jurisdiction of a



district council or of a municipal corporation, and which has not been declared to be "common land," the fact of such neglect or failure to register shall be advertised by the registrar of the county in which such land is situate, in local papers at intervals during one year, calling the attention of supposed owners to the forfeiture which will be incurred by neglect to register before expiration of the year 1901.

12. If, at the expiration of the year 1901, any such unenclosed land yet remain unregistered, it shall from the 1st January, 1902, come under the category of "waste land;" no antecedent title shall or can ever after be held to give claim to right of ownership in such land, and no pre-existing mortgage can thereafter give any lien upon it.

### PART III

13. If, after expiration of the year 1900, any lands within a district governed by a local council remain unregistered, the registrar of the district land office of the county in which such lands are situate shall notify the supposed owners, by circular and by advertisement in local papers, of their neglect to register, and if the lands remain unregistered, shall renew such notice during the first three months of three successive years, and in the year 1904 shall repeat these circulars and advertise-

ments in the months of July and October, calling special attention to the forfeiture which will be incurred by neglect or failure to register before the close of the year 1904.

14. If any such land remain or be unregistered on or after the 1st January, 1905, the registrar shall at that date denounce it to the Chairman of the council of the county in which it is situate, as without owner, and shall at the same time notify the holder or holders of any mortgage or mortgages which may be registered upon the land, of the forfeiture incurred. The Chairman shall, on receipt of this denunciation, advertise the land for one month as for sale by public auction, together with all houses, etc., thereon existing, in one lot, to the highest bidder for cash. The purchaser shall, on payment of the purchase money, be immediately placed in possession of the land by the local authorities. (See § 7 note.)

15. The purchaser of the land thus sold shall, after receiving possession of the land, cause survey to be made of it by an authorized surveyor, and shall then apply in due form to the registrar for registry of the land in his name, annexing to the application, in addition to the certificate of occupation (see Chapter X. § 2), a certificate from the Chairman of the county council that this land, being forfeited by a previous owner on account of failure or neglect to register, has been sold in

public auction to the applicant, who has already paid the purchase money, of which the amount shall be stated. The purchaser, on making said application, shall pay to the registrar the sum of five pounds per rood or fraction of a rood on the area declared by survey, in liquidation of arrears of tax, fines, advertisements, etc., without which payment the registrar is prohibited from admitting the application.

16. This payment of five pounds per rood or fraction of a rood does not include the tax already due of the current year, immediate payment of which is not compulsory. (See Chapter XXVI. § 17.)

17. When by this payment of arrears, and on approval of the plan presented by the revising surveyor, the registrar is entitled to grant registry of the land, he shall register it in the name of the applicant, and this register of land so purchased shall become, *ipso facto*, an indefeasible title to right of ownership in the land specified, shall bar all antecedent titles, and no pre-existing mortgage can thereafter give any lien upon it.

18. Neglect to register land so purchased within one year from the date of forfeiture shall entail a second forfeiture, the land shall become the property of the council within whose district it is situate, and no pre-existing mortgage can give any lien upon it.

19. Every such sale by auction shall invariably be for cash, and the nett proceeds, after deducting

all expenses incident to the sale, shall be lodged in Chancery by the Chairman of the county council aforesaid, for account of any person or persons who may prove a just claim to such proceeds or to any part of them, within a term of twenty-five years from the date of such sale by auction. If at the expiration of this term of twenty-five years no claimant for this money have succeeded in proving his claim to it or to some part of it, it, or such remaining portion of it, shall lapse to the national revenue of that year. (See § 7 note.)

20. Every sale of land forfeited shall be by public auction, with the sole reserve that no less price will be accepted than one that will cover all the expenses incident to this sale by auction, including advertisement for one month previous. If no purchaser appear who will offer this price, having in view his further liability for five pounds per rood or fraction of a rood on the area, for arrears of tax, fines, etc., the land shall at once become the property of the council of the district within which it is situate. No antecedent title can afterwards give any claim to right of ownership in this land, and no pre-existing mortgage can thereafter give any lien upon it.

#### PART IV

21. If, after expiration of the year 1900, any lands situate within the jurisdiction of a municipal

corporation remain unregistered, the registrar of the municipal land office shall notify the supposed owners, by circular and by advertisement in local papers, of their neglect to register, and if the lands remain unregistered, shall renew such notice during the first three months of three successive years, and in the year 1904 shall repeat these circulars and advertisements in the months of July and October, calling special attention to the forfeiture which will be incurred by neglect or failure to register before the close of the year 1904.

22. If any such land remain or be unregistered on or after the 1st January, 1905, the registrar shall at that date denounce it to the mayor or provost, as without owner, and shall at the same time notify the holder or holders of any mortgage or mortgages which may be registered upon the land, of the forfeiture incurred. The mayor or provost shall, on receipt of this denunciation, advertise the land for one month as for sale by public auction, together with all houses, etc., thereon existing, in one lot, to the highest bidder for cash. The purchaser shall, on payment of the purchase money, be immediately placed in possession of the land by the local authorities. (See § 7 note.)

23. The purchaser of land thus sold shall, after receiving possession, apply in due form (see Chapter X. § 5 to § 7) to the registrar for survey and registry of the land, annexing to the application

for registry a certificate from the mayor or provost to the effect that this land, being forfeited by a previous owner on account of failure or neglect to register, has been sold by public auction to the applicant, who has already paid the purchase money, of which the amount shall be stated. The purchaser, on making said application, shall pay to the registrar the sum of ten pounds per rood or fraction of a rood on the area declared by survey, in liquidation of arrears of tax, fines, advertisements, etc., without which payment the registrar is prohibited from admitting the application.

24. This payment of ten pounds per rood or fraction of a rood does not include the tax, already due, of the current year, immediate payment of which is not compulsory. (See Chapter XXVI. § 17.)

N.B. In the County of London the sum paid by the purchaser of land thus forfeited and sold by auction, shall be fifty pounds per rood or fraction of a rood.

25. If this application be made in due form, be accompanied by a properly certified plan (see Chapter X. § 6), and by the above specified certificate from the mayor or provost, the registrar shall at once register the land in the name of the applicant, and this register of land so purchased shall become, *ipso facto*, an indefeasible title to right of ownership in the land, shall bar all antecedent

titles, and no pre-existing mortgage can thereafter give any lien upon it.

26. Neglect to register land so purchased within one year from the date of forfeiture shall entail a second forfeiture, and the land shall become the property of the municipal corporation within whose jurisdiction it is situate. No antecedent title can afterwards give any claim to right of ownership in this land, and no antecedent mortgage can thereafter give any lien upon it.

27. Every such sale by auction shall invariably be for cash, and the nett proceeds, after deducting all expenses incident to the sale, shall be lodged in Chancery by the mayor or provost for account of any person or persons who may prove a just claim to such proceeds or to any part of them, within a term of twenty-five years from the date of such sale by auction. If at the expiration of this term of twenty-five years no claimant for this money have succeeded in proving his claim to it or to some part of it, it, or such remaining portion of it, shall lapse to the national revenue of that year. (See § 7 note.)

28. Every sale of land forfeited shall be by public auction, with the sole reserve that no less price will be accepted than one that will cover all the expenses incident to this sale by auction, including advertisement for one month previous. If no purchaser appear who will offer this price, having

in view his further liability for ten or fifty pounds per rood or fraction of a rood, for arrears of tax, fines, etc., the land shall at once become the property of the municipal corporation within whose jurisdiction it is situate. No antecedent title can afterwards give any claim to right of ownership in this land, and no pre-existing mortgage can thereafter give any lien upon it.

29. During the year 1905, every chairman of a county or district council, and every mayor or provost of a city or town, shall cause careful revision to be made by experts of all "original registers" of land within his jurisdiction, effected during the preceding five years.

30. If these revisors report that they have discovered any instance in which an "original register" has been obtained by manifest fraud, it shall be the duty of each such chairman, mayor or provost, to whom such report is made, at once to bring an action before a competent tribunal against the then registered owner of the land in question, calling upon him to show cause why the said "original register" should not be cancelled on account of the fraudulent manner in which it was effected.

31. If the court decide that the said "original register" was obtained by fraud and is therefore illegal, the chairman, mayor or provost, shall hand a certified copy of this sentence to the registrar of the land office in which the said "original register" was



effected, with instructions to him to cancel this register as illegal, and all re-registers or transfers of registry which may have been effected in supersession of the said "original register" and upon which they are dependent.

32. The chairman, mayor or provost, shall then advertise for one year in local papers, that the land in question is without owner, calling upon any person who may consider himself the owner to present his credentials of ownership to the council of the county, district, or municipality, in which the said land is situate.

33. If any person prove to the satisfaction of the said council that he has in equity a right to be considered the owner of the land, they shall then authorize him to claim "original registry" of it, on paying all arrears of tax or fines which may be due on the land.

34. If no such claim be made, the land shall at the expiration of one year from the day on which the aforesaid "original register" was cancelled, be declared forfeited, and shall be sold in public auction in the same manner, and with the same provisos as are established in the preceding paragraphs of this chapter for lands forfeited by failure or neglect to register, save only that the amount payable by the purchaser on applying for registry, for arrears of tax, fines, etc., shall be the amount actually owing at the date on which registry is applied for.

## CHAPTER XIII

### WASTE LANDS

1. "WASTE lands" are all unenclosed lands situate within the jurisdiction of the Government of the United Kingdom of Great Britain and Ireland, which are not "common lands," which are not occupied by any Government establishment, which do not lie within the jurisdiction of a district council or of a municipal corporation; and in which no corporation, association, or individual claims right of ownership by registration. (See Chapter XII. § 6 and § 8.)

2. "Waste lands" are the property of the nation, and may be either rented or sold, the nett proceeds of such rental or sale being applied as is provided in Chapter II. § 12 and § 16.

3. Any person wishing to rent "waste land" may, at any time after the 31st December, 1902, make application to a Justice of the Peace resident within the county in which said land is situate, stating the location and area of the land he desires to rent, and the annual rental he offers for it.

4. The Justice of the Peace so applied to, if he consider the applicant, from character and antecedents, to be a person likely to make beneficial use of the land, shall advertise the application in the local papers for three months, and if he receive no higher offer within that time, he shall grant the application in writing. (See § 20.)

5. If a higher offer be received from a person also likely from character and antecedents to make beneficial use of the land, the advertisement shall be continued for one month from date of second offer, when if no third offer at a still higher rental from an applicant of equal suitability be forthcoming, the second offer shall be accepted, and so on. The original applicant shall always have the preference over all other applicants, if he agree to pay the highest rental which has been offered.

6. No Justice of the Peace shall admit any application for land which has been already advertised by another Justice of the Peace.

7. If lots of various areas which overlap be applied for at the same time and at the same rental, the applications for the smaller areas shall have preference over those for the greater.

8. No lot, however small, shall be let for less than twenty shillings per annum.

9. No application for an area of more than one hundred and sixty acres shall be admitted by a Justice of the Peace.

10. On the application being granted in writing, the applicant shall present this document to the registrar of the county in which the land is situate, who shall cause the land to be surveyed by an authorized surveyor, in presence of the applicant, who shall himself establish the boundaries of the land he wishes to occupy. The surveyor shall hand in a plan of the land to the registrar, who shall refuse to grant lease of it if the area as shown by survey exceed one hundred and sixty acres.

11. If the survey and plan receive the approval of the revising surveyor, the registrar shall grant to the applicant a lease of the land for ten years, counting from the 1st January next ensuing, the tenant being entitled to immediate occupation.

12. The registrar shall not give to the tenant any deed of lease, but shall register the lease as granted in a book of "Register of Leases of Waste Land," specifying in the "Act of Registry" all particulars of position and area of land, terms of lease, etc. (See Chapter XXX. § 2.)

13. The tenant shall have the right to enclose this land or any part of it, during his tenancy, and during the last year of the ten years for which the lease is granted, if he have paid an annual rental of not less than four shillings per acre, and there remain no arrears of rent or fines on the land unpaid, and if the land be enclosed, he shall have the right

to purchase it at fifteen times the amount of the annual rental which has been paid for it.

14. The tenant may also enclose and may purchase during the last year of his lease, only a portion of the land for which he pays rent, always providing that no arrears of rent or fines remain unpaid.

15. If the tenant purchase only a portion of the land, he shall present with his application for registry a plan of this portion, drawn up by an authorized surveyor. If he purchase the whole of the land the original plan shall suffice.

16. During the last year of the ten years for which a lease is granted, and not less than three months before the expiration of the lease, the tenant, if he wish to purchase the whole or a portion of the land comprehended in said lease, shall apply to the registrar of the county in which it is situate for registry of a claim to right of ownership in the land he desires to purchase, in his name, as "enclosed land," paying at the same time the amount of the purchase money, and becoming liable as owner of the land, from the 1st January next ensuing, for payment of the annual tax of four shillings per acre or fraction of an acre, on the land so registered in his name. This application shall be signed by the tenant in the presence of a Justice of the Peace resident within the county in which the land is situate, who shall attest the

signature and shall also certify to the actual occupation of the land by the applicant, either in person or by sub-tenant or deputy.

17. The register of land so purchased by a tenant of ten years' standing shall constitute an indefeasible title to right of ownership in the land, by the person in whose name the land is so registered.

18. The rent as established by the lease shall fall due on the 1st January in each year, but may be paid at any time during the first nine months of each year. Neglect to pay rent during this term of nine months shall subject the tenant to fines as set forth in Chapter XXVI.

19. Neglect to pay rent for three years in succession shall *ipso facto* cancel a lease, but such cancelling shall not exonerate the tenant from liability for arrears unpaid.

20. No tenant of "waste land" who has forfeited his lease through neglect to pay rent for three successive years, shall be eligible as a tenant of "waste land" until he have paid up all arrears of rent and fines due at the date of forfeiture. (See Chapter XXVI. § 7, § 8, and § 10.)

21. Every tenant of "waste land," or his heir in case he have died and left one in occupation of the land, shall be at liberty to throw up the lease at any time, paying all rents or fines which may be due, and shall, if he apply at the same time for a

fresh lease, have the preference over all other applicants, at the highest rental proffered. The registrar shall in such case advertise the land for one month as without tenant (see § 18, § 22, and § 27). But if the tenant have held the land at a rental at less than four shillings per acre per annum, he or his heir shall have the right to demand at once a fresh lease at the rental of four shillings per acre per annum, payable from the 1st January next ensuing. The registrar shall be under no obligation to give notice of termination of lease to a tenant of "waste land," nor shall the tenant have any right to a "supplementary year." (See Chapter XXII. § 16.)

22. If, on the 1st day of October next previous to the date of the expiration of a lease of "waste land," the tenant have not applied for registry of a claim to right of ownership in the land or of a portion of it, in his name, the registrar shall advertise the land for one month, and shall accept as tenant for another lease of ten years from the 1st January next ensuing the person offering the highest amount of annual rental, if such person bring a certificate from a Justice of the Peace resident within the county in which the land is situate that he is by character and antecedents likely to make beneficial use of the land. The outgoing tenant, or his heir in case he have died and left one in occupation of the land, shall have preference over all other

applicants if he offer to renew the lease at this rental providing there remain no arrears of rent or fines unpaid. This new lease shall date from the 1st January immediately succeeding the expiration of the previous lease.

23. If on the expiration of the lease the land be not purchased by the outgoing tenant, and no application be made to the registrar for fresh lease of the land as specified by survey and plan deposited (see § 10), it shall lapse to the category of "waste land unoccupied," and application may be made for lease of it, or of any part of it, as in § 3.

24. If a tenant at the expiration of his lease have purchased only a portion of the land, the remainder shall lapse to the category of "waste land unoccupied," and application may be made for lease of it, or of any part of it, as in § 3, the late tenant having in all cases the preference over any other applicant at the highest rental proffered.

25. Any tenant of "waste land" who has paid rent for one plot of land, as specified by survey, for more than twelve years under two or more consecutive leases (see § 21), shall have the right, after expiration of twelve years from date of the commencement of the first lease (see § 11), to purchase the land or any portion of it, if it be enclosed, at fifteen times the amount of the annual rental at which he then holds the land, always providing that this rental be not less than four shillings per acre



per annum, in the same manner as though he had held the land for more than nine years under one lease (see § 13 to § 17). If he purchase only a portion of the land, this purchase shall cancel the lease of the entire area at the end of the year then current. (See § 24.)

26. No "waste land" shall be sold to any one except to a tenant who has been in occupation of it for over nine years under one lease or for more than twelve years under two or more consecutive leases, who has enclosed it, and has paid rent for it for ten years under one lease, or for at least one year under the last of two or more consecutive leases which have lasted more than twelve years, at a rate of not less than four shillings per acre per annum.

27. A lease of "waste land" shall be a heritable property, but the right of purchase at the expiration of a lease shall be an individual right only, which shall lapse on the death of the registered tenant, and during his tenancy shall not be saleable or transferable to any other person, but if he die leaving an heir in possession, the said heir shall have the right to throw up this lease, and all arrears of rent and fines being paid, to demand a fresh lease in his own name on the same terms, dating from the 1st January next ensuing to the date of the death of the said tenant. (See § 21.)

28. No buildings or fences of any kind shall

be erected on "waste land," save by a tenant in occupation, or by a sub-tenant or dependent of his.

29. No tenant of "waste land" shall be permitted to sink shafts into the land for mining purposes, but he shall have the right to quarry stone upon the surface of the land, and to use it or sell it as he may choose.

30. The cost of all advertisements inserted by Justices of the Peace in local newspapers in regard to "waste land," and the cost of the survey of the land on the granting of a first application for lease, shall be defrayed by the registrar of the county in which the land is situate, and shall be included by him in the current expenses of his office.

31. Any private individual or any company desiring to reclaim land from the sea, to drain bogs, morasses, etc., not within the jurisdiction of a district council or of a municipal corporation, may acquire a lease of ten years and the subsequent right to purchase, as already provided, by application to a Justice of the Peace resident within the county in which the land is or will be situate, but if the nature of the enterprise be too hazardous to warrant payment of rent for the land at the rate of four shillings per acre per annum, and further outlay in purchase of the land, application may be made to Parliament for a free grant of the land proposed to be reclaimed,

for a term of ten years, which grant shall lapse at the expiration of this term, unless the land be already registered as "enclosed land," on which tax will be levied in succeeding years, the holder of the grant becoming, by the fact of registry of a claim to right of ownership in the land in his name, absolute owner of the land reclaimed and enclosed from the 1st January next succeeding to the day on which the said Parliamentary grant expires. There shall be no restriction upon the area of land so granted and claimed in ownership.

32. The holder of any such grant shall have the right to enclose and register only a portion of the area comprised in the grant, if he decline to claim right of ownership in the entire area. The remainder shall lapse to the category of "waste land unoccupied." (See § 24.)

33. No allotment of "waste land" shall obstruct any public road or path over which the public has right of way. In marking out the limits of each allotment, no line shall be drawn within twenty yards of any river or stream. If an allotment be of fifty acres or more, a clear space of twenty yards must be left between it and the boundary line of any other property or allotment as a public road. Every allotment, however small, shall have at least one side bordered by a public road or by a space of not less than twenty yards in width, which may be used as such.

34. If any tenant of "waste land" makes such use of his land as inflicts injury upon his neighbours, or as is obnoxious to the public weal, any twelve occupiers of land situate within the same county may present to the Chairman of the council of said county a formal protest against the continuance of such use of the land. The Chairman, on receipt of this protest, shall make inquiry into the alleged evil use of the land, and if after fair warning he find that the complaint is well founded and is continued, he shall report the matter to the council, who may, if they so judge, then direct the registrar of said county to cancel the lease of the land and to advertise for another tenant.

35. The tenant of "waste land" who thus loses his lease and the occupation of the land, shall have no claim for compensation for any loss or injury he may thus suffer, and in default of immediate payment shall be sued by the registrar for all or any arrears of rent or fines due upon the land.

36. If any tenant of "waste land" apply to the registrar of the county within which the said land rented by him is situate, for lease of another plot of "waste land," the registrar shall reject the application.

37. If any enclosed land, right of ownership in which is forfeited from any cause, fall into the category of "waste land" (see Chapter XII. § 6 and § 8), and have on it at date of said forfeiture,

houses, buildings, fences, trees, or other permanent improvements; an inventory of these improvements shall be inserted by the registrar in the "Act of Registry of Lease" upon granting lease of this land to a tenant (see Chapter XXII. § 12 and § 13, and Chapter XXIII. § 2 to § 4), but the tenant, if he eventually purchase the land on which these improvements are situate, shall become absolute owner thereof. (See Chapter XX. § 2.)

38. If any county council find within its jurisdiction waste lands which from the nature of the soil cannot be advantageously used for agricultural purposes, it shall have the right to authorize the registrar of the land office, by special resolution in each such case, to grant lease of this land without any restriction upon area for ten years, at an annual rental by them established, to a tenant by them named in the said special resolution.

39. In every such case, the cost of the survey and registered plan of the land shall be defrayed by the tenant.

40. No tenant of an area of "waste land" which exceeds one hundred and sixty acres in extent (see exception, § 31), shall have any right to purchase this land or any part of it, at the expiration of his lease, nor shall this tenancy be renewable without another special resolution to that effect enacted by the county council within three months prior to the expiration of the said lease. (See § 8 and § 36.)

## CHAPTER XIV

### MORTGAGES ON LAND

1. A DEED of mortgage carrying with it the power of foreclosure as penalty for the non-fulfilment of the stipulated terms, shall be and is the only form of lien upon land which can be granted by the owner and recognized by law. This lien being granted by the holder of a secondary title to right of ownership in the land (see Chapter XX. § 3), shall be and is subordinate to the primary lien upon the land held by the nation. Thus arrears of tax and fines shall take precedence of all other claims upon an owner of land, for which the land itself is security.

2. Mortgages shall be of two classes :

(a) A mortgage of the first class shall be a lien upon land of a stated amount, bearing interest as stipulated in the deed, repayment of which amount by the owner of the land can neither be claimed nor enforced by the mortgagee (see § 5 and § 26). The interest payable on a mortgage of

this class shall never be less than four per cent. per annum on the amount of the mortgage.

(b) A mortgage of the second class shall be a lien upon land of a stated amount, bearing interest as stipulated in the deed, repayment of which amount by the owner of the land can be claimed by the mortgagee at such date or dates as may be established by the terms of the deed. Failure by the owner of the land to effect such repayment when claimed in accordance with these terms, shall entitle the mortgagee to enforce foreclosure and take possession of the land.

3. The registration of a mortgage upon land shall act as a transference of a stated liability or debt of the mortgagor to the mortgagee, from the said mortgagor to the land so mortgaged, but this transference of liability shall not extend to the interest payable on such mortgage, for which interest the mortgagor or his heirs, administrators, and assigns shall be responsible; this liability for interest resting always upon the person who, during the time said interest is earned, is the registered owner of the land.

4. If interest on a mortgage be not paid when due and applied for, the mortgagee shall be entitled to claim interest at the rate of ten per cent. per annum on the amount due, during the term of such delay in payment.

5. If interest on a mortgage be not paid within

one year from the date at which it is due, the mortgagee shall be entitled on the expiration of this one year from said date, or at any later period at which this interest remains unpaid, to give notice of foreclosure of mortgage to the owner of the land mortgaged, and if payment of arrears and interest, as per § 4, be not made within one year of such notice, the mortgagee shall then have power to enforce foreclosure and take possession of the land.

6. If two or more mortgages be registered on the same land, the mortgagee who so makes use of his power of foreclosure shall have the right to pay off the other mortgage or mortgages, and so secure himself in possession of the land. If without paying off such mortgage or mortgages he accept transfer of registry or apply for re-registry of claim to right of ownership in the land in his name, he shall by such acceptance of transfer or by such re-registry become responsible for all liabilities resulting from such mortgage or mortgages.

7. If the said mortgagee who makes foreclosure on the land decline to accept transfer of registry, or to apply for re-registry of claim to right of ownership in the land in his name (see Chapter XVII. § 14 to § 20), if the land be already registered, he may give possession thereof to the Chairman of the council of the county or to the mayor or provost of the city or town in which it is situate, who shall declare it to be forfeited, and shall sell it at public



auction in the manner and with the provisions enacted in Chapter XII. for lands forfeited by failure or neglect to register, save only, that the amount payable by the purchaser in public auction for arrears of tax, fines, etc., shall be the amount actually due on the land at the date on which re-register is applied for. The claim of each mortgagee upon the proceeds of this sale will depend upon the validity of the title to the land of the owner who granted the mortgage, and each mortgage shall have precedence in accordance with the date on which it was granted and registered. (See § 9, § 11, and Chapter IV. § 12.)

8. If a mortgagee who forecloses on the land to which his mortgage relates accept transfer of the registry of the land or apply for re-registry (see Chapter XVII. § 11), this change in the registered ownership of the land shall *ipso facto* cancel the register of the mortgage in virtue of which the foreclosure was effected and which warranted the transfer or application for re-registry.

9. If mortgages on the land of a bankrupt owner be paid off by a liquidator in bankruptcy, each such mortgage shall, in its order of precedence, have added to the amount thereof interest which may be due on the mortgage, not exceeding two years of such interest, and the fine due on one year's interest, in no case exceeding ten per cent. on the amount of the said interest. For further interest

or fine which may be due on account of said mortgage, the mortgagee shall have claim only as an ordinary and unsecured creditor of the bankrupt owner. These provisions shall also apply to mortgages on lands which, being forfeited from any cause, are sold in public auction by the Chairman of a county council or by the mayor or provost of any city or town.

10. Every mortgage deed shall contain a special clause in which the mortgagor shall make formal declaration, either that the land so mortgaged is free from any previous mortgage, or if any mortgage or mortgages exist upon it, then of the amount and terms of each such mortgage which has precedence of this mortgage.

11. Every person lending money on the security of mortgage on land, which mortgage bears date after 31st December, 1899, shall, within one month of the day on which such deed of mortgage is signed, present the said deed to the registrar of the county, district, or municipality in which the land so mortgaged is situate, for registry. If any mortgagee neglect to register his mortgage within this month specified, and on presenting the mortgage deed for register at some later date (see § 13), find that a mortgage bearing date subsequent to his mortgage has been registered on the same land within one month from its date, this second mortgage shall take precedence of his mortgage as a lien upon the land

(see § 7); but every mortgage registered within one month from the day on which it was granted shall take precedence of any mortgage granted at a later date, irrespective of the days on which they were registered.

12. The registrar shall inscribe the particulars of the mortgage in a book of "Registry of Mortgages," and shall head each such register with the number or numbers of the land or lands so mortgaged. If the land to which the mortgage deed refers be not registered at the time of such registry of mortgage, this register shall secure to the mortgagee his full power over the land, in case such land be forfeited by failure or neglect to register, or from any other cause. The registrar shall also annotate the fact and date of this registry upon the deed of mortgage.

13. Delay to register such deed of mortgage beyond the month allotted for such registry, shall subject the mortgagee who may apply for registry of his mortgage during the succeeding eleven months to a fine of one per cent. per month or fraction of a month of such delay, on the amount of the mortgage, and the registrar is prohibited from registering the mortgage until the fine be paid. (See § 22.)

14. Neglect to register a deed of mortgage which bears date subsequent to the 31st December, 1899, within one year from the day on which the mortgage is signed, shall render void the power to foreclose

given by the deed on the land so mortgaged. Later registry of such mortgage is prohibited, and the deed itself shall lose all efficacy and value as a lien upon the land, becoming nothing more than a certificate of indebtedness.

15. The registrar shall also annotate the date, registered number, and amount of every mortgage deed presented to him for registry on the register sheet or sheets of the land or lands so mortgaged.

16. When a mortgage is paid off, the owner of the land to which it refers shall present to the registrar the deed itself, duly cancelled, or full documentary proof of such payment (see Chapter III. § 3), which deed or proof of payment shall be retained by the registrar and archived. The registrar on receiving such proof of payment of a mortgage shall cancel the register of said mortgage and the annotations of it on the register sheet or sheets of the land or lands referred to. If a part only of the mortgage be paid off the mortgagor shall deposit the receipt of said payment with the registrar (see Chapter XXIX. § 4), who shall archive it with the documents relating to the land mortgaged, and shall annotate the fact of said payment upon the registers of the land and of the mortgage.

17. This "Register of Mortgages" shall be commenced on the 1st January, 1900, and any mortgage deed bearing a previous date shall be presented for registry to the registrar of the county, district, or

municipality in which the land or lands to which it relates is or are situate, at any time during the year 1900.

18. Neglect to register during the year 1900 any mortgage deed which bears date previous to the 1st January of that year, shall render void and annul the power of foreclosure given by the deed on the land or lands so mortgaged, all stipulations in the deed itself notwithstanding. The deed shall, after expiration of the year 1900, if not registered during that year lose all efficacy and value as a lien upon the said land or lands, and shall become nothing more than a certificate of indebtedness. (See § 19 to § 21, and exception, § 41.)

19. Mortgages bearing date previous to the 1st January, 1900, and which are duly registered during that year, shall have precedence over all mortgages granted subsequently to the 1st January, 1900. (See exception Chapter XXV. § 7.)

20. Mortgages bearing date previous to the 1st January, 1900, and which are duly registered during that year, shall have precedence according to the dates at which they were originally granted, irrespective of the dates at which they are registered.

21. Change in the ownership of the land mortgaged during the year 1900, shall in no way affect the lien given on the land by a mortgage which was granted during any previous year, nor shall it prevent

the registry of the mortgage. (See § 22 and also Chapter XXV. § 7.)

22. If when a mortgage deed of date subsequent to the 1st January, 1900, is presented for registry the registrar discover that this mortgage has been granted by a previous owner of the land, and not by the then registered owner, he shall refuse to register this mortgage, which shall in consequence of such failure to register lose all efficacy and value as a lien upon the land to which it relates, and shall become merely a certificate of indebtedness.

23. The registrar is prohibited from admitting to register any subdivision of registered land, if at the date of application there remain any "register of mortgage" on the land uncanceled. If when application is made for "transfer of registry" to, or for "re-registry" in, the name of a life-owner, there exist any register of mortgage on the land specified, the registrar shall reject the application. (See Chapter III. § 20 and § 21.)

24. Any person who may receive "transfer of registry" of any plot of land to his name, or who may apply for and receive "re-registry" of any plot of land in his name, if any mortgage or mortgages exist registered upon this land, shall, as the registered owner of this land, become responsible for all liabilities which may attach to the ownership of such land, in consequence of the lien or liens held upon it in virtue of such mortgage or mortgages, for

the payment of interest and for the loss of right of ownership in the land if foreclosure be incurred and enforced. (See § 3, and for exception, Chapter XXV. § 7.)

25. The purchaser of the land of a bankrupt owner shall, if he accept "transfer of registry" from the bankrupt, become responsible for all liabilities which may attach to the ownership of the land; but if he apply for "re-registry" and present proof, certified by the official liquidator of the bankrupt estate, that all mortgages which at that date exist registered upon the land have been paid off, or that the entire proceeds of the sale of the land have been applied towards such payment (see § 7), he shall be free from any liability on account of said mortgages, and this re-register and certified proof of payment shall *ipso facto* cancel the registers of all such pre-existent mortgages.

26. It is and shall be compulsory upon every mortgagee to accept payment, either in whole or in part, of the amount of the mortgage whenever such payment be proffered. (See exception, Chapter XXV. § 19.)

27. The seizure of land by foreclosure of mortgage shall exonerate the owner of the land on which a mortgage is so foreclosed from any further liability to mortgagees on account of the amount of all mortgages which may be registered upon the said land, but shall not exonerate him from liability for

payment of arrears of interest which may be due at the date of such foreclosure. (See § 9.)

28. A mortgage is and shall be a saleable and heritable property, and may be either sold, assigned, or devised by the mortgagee, whether he be the original mortgagee or be a holder of the mortgage by purchase, assignment, or inheritance. If the ownership of a mortgage pass by direct transfer from a registered mortgagee, the transfer shall be effected in the same manner as is established in Chapter XV. for a transfer of the registered ownership of land. If the ownership of a mortgage pass by death or other cause without direct transfer, re-register of ownership shall be applied for by the new owner or mortgagee, in the same manner as is established in Chapter XVII. for the re-registry of the ownership of land which has not changed owner by direct transfer.

29. The registered owner of a mortgage shall be the only person who has power to enforce foreclosure on the land mortgaged. If any person who comes into possession in any legal way of a registered mortgage, neglect or decline to effect re-registry of the ownership of this mortgage within one year of coming into possession thereof, the mortgage shall cease to constitute any lien whatever upon the land to which it refers, and shall become nothing more than a certificate of indebtedness.

30. The registrar shall refuse to register any



mortgage which may be presented to him, if the land to which it relates be registered in the name of a life-owner. (See exception, Chapter XXI. § 18.)

31. The registrar is prohibited from admitting to register any mortgage of the first class if the interest payable on the mortgage be less than four per cent. per annum on the amount of said mortgage. (See § 2.)

32. Forfeiture of right of ownership in land from any cause shall cancel the register of any mortgage which may exist upon the land, when re-registry is applied for, the purchaser of such land in public auction being invariably placed in full possession of the land, free from lien and with an indefeasible title. (See Chapter IV. § 11.)

33. A mortgage of the first class shall be solely and exclusively a lien upon the land specified, and until it be foreclosed shall leave the registered owner at entire liberty to dispose as he may choose of everything which exists upon the land.

34. If a registered owner of land who grants a mortgage on this land of the second class desire to confer, in addition to lien on the land, further lien upon houses or buildings which exist upon the land, he shall by a special clause in the deed of mortgage specify the houses or buildings which are included in said lien, and shall by granting such lien suspend his right to remove or to dispose of these houses or buildings so long as the mortgage remains un-

redeemed (see Chapter V. § 22, and Chapter XX. § 2). The mortgagor, by granting such lien, shall *ipso facto* engage to maintain the specified houses or buildings in proper repair until the lien be raised.

35. A deed of mortgage shall in no case give lien upon trees, crops, or upon any moveable property of any kind which may exist upon the land mortgaged. Any clause which may be inserted in a mortgage deed purporting to grant such lien, shall be *ipso facto* null and void.

36. If any owner of land burdened with liens of any kind delay or neglect to register until after expiration of the three years allotted for the commutation of such liens (see Chapter I. § 10 and § 11), the fact of the land not being registered shall in no way hinder the due registration of the mortgage or mortgages resulting from such commutation, or the registration of any ordinary mortgage, and this register shall secure the full rights of the mortgagee or mortgagees in any eventuality.

37. If any houses or buildings are erected by a tenant upon any land of which he is not the registered owner, and if he give mortgage upon these houses or buildings apart from the land on which they stand, the mortgage is not admissible to registry in any land office, and any application for the registry of such mortgage shall be rejected by the registrar.

38. Any mortgage granted previous to the 1st January, 1900, on houses or buildings apart from the land on which they stand, constitutes a certificate of the indebtedness of the mortgagor to the mortgagee.

39. If such mortgage have been granted by the owner of the land upon which these houses and buildings are erected, the said owner may, by the addition of a clause to the deed of mortgage, by which he gives additional lien to the mortgagee upon the land on which they stand, entitle the said mortgage to registry as a mortgage of the second class, and so secure to the mortgagee the full power over the land and houses, etc., granted to him by the deed of mortgage.

40. If after the 31st December, 1899, any owner of land who has granted mortgage on houses or buildings erected on his land refuse to add to the mortgage deed the clause specified in § 39, the mortgagee shall have the right to demand immediate repayment of the mortgage, all stipulations in the deed itself notwithstanding.

41. If any tenant have erected houses or buildings upon land rented by him, and if, during the years 1901 to 1904 inclusive, he purchase the land on which they stand, in accordance with the provisions of clauses 4 or 8 of Chapter XXII., he may then add to the deed of mortgage on these houses or buildings which he may have granted previous

to the 1st January, 1900, a special clause giving additional lien to the mortgagee upon the land upon which they were erected. The addition of this clause by the then registered owner of the land shall entitle any such mortgage to registry as a mortgage of the second class, within one month of the date of the addition of said clause, and this register shall secure to the mortgagee the full power over the land, houses, etc., granted to him by the terms of the said deed of mortgage.

42. If any such tenant who has the right to purchase the land upon which the said houses or buildings are erected, decline to make use of the rights given him by clauses 4 or 8 of Chapter XXII., or to pay off any mortgage he has granted on such houses or buildings, the mortgagee or mortgagees shall then have the right to demand the transfer of his lease to them, and may then make what arrangements they choose with the owner of the land, either selling him the houses or buildings or purchasing the land from him in accordance with the rights they acquire by the transfer of the lease to them.

43. If the terms of the lease give to the tenant no such power to purchase the land, the mortgagee or mortgagees shall, after the 31st December, 1899, have the right to demand immediate repayment of the mortgage or mortgages.

44. If any mortgagee discover that the register

of his mortgage has been cancelled by fraudulent representation made by some unauthorized person or persons to the registrar, he may, within one year, but not later than one year, from the date at which the said register was cancelled, apply to a civil court (see Chapter XXVIII. § 4) for an injunction to the registrar to re-establish the register of the said mortgage. For all expenses incurred in procuring the said injunction he shall have legal claim against the person or persons who by false representation has or have procured the cancelling of the said register, and the powers conferred by the said mortgage shall remain intact, no matter what changes have in the meantime been made in the register of the land referred to, unless these changes be the result of forfeiture of the land itself. (See § 32.)

## CHAPTER XV

### THE SALE, ASSIGNMENT, OR GIFT OF RIGHT OF OWNERSHIP IN LAND

1. FOR the sale of land by a registered owner, nothing more shall be requisite than an application by said registered owner to the registrar of the county, district, or municipality in which the land is situate, for transfer of the register of this land from his name to the name of the purchaser. The applicant shall in this application make formal assertion of the sale of the land by him and of its purchase by the person or association of persons in whose favour this transfer of registry is applied for, shall give the full designation and registered number of the land sold, and shall state the price which is paid for it, which price shall invariably be acknowledged by the applicant to have been already received by him, specifying the mode in which the payment has been made. The applicant shall also make formal declaration, either that the land is free from mortgage, or if any mortgage or mortgages exist upon the land, then of the amount and terms of each such mortgage; and if

the land be occupied by a tenant, he shall also state the terms on which the said tenant holds the land. This deed shall be signed by the seller and by the purchaser in the presence of the registrar and of two competent witnesses, who shall attest the signatures. The registrar shall then inscribe at the foot of the deed a formal acceptance thereof, which he shall sign and seal with his official seal. This being done, the sale is complete, and the document so signed and witnessed is and shall be held to be a full and perfect "deed of sale." (See Chapter XVII. § 23 to § 27, and Chapter XXVI. § 16.)

2. If any registered owner of land desire to transfer his right of ownership in this land to some other person, association of persons, company, or institution, for any reason not being an actual sale of the land to such other or others—such as in submission to foreclosure of mortgage, assignment in liquidation of debt or other liability, or by way of gift—he shall make application to the registrar of the county, district, or municipality in which the land is situate, for transfer of his register to the name or designation of such other person, association of persons, company, or institution, in the same form as though he had made sale of the land, specifying the reason for which he makes this application for "transfer of registry." This deed of transfer shall in like manner be signed by the applicant and by the new owner of the land in

presence of the registrar and of two competent witnesses, and shall in like manner be accepted and countersigned by the registrar.

3. This deed of sale or of transfer shall be retained by the registrar, and archived by him, and he shall, on the same day on which it is signed, draw a line across the register sheet of the land thus sold or transferred, and shall inscribe as a new heading the particulars of this sale or transfer, with the amount and registered number of any mortgage and the term of any lease which may exist registered upon the land. This inscription shall transfer the registered ownership of the land to the new owner as specified in the deed, who shall become liable for payment of the annual tax on the land from the 1st January next ensuing, and shall also become responsible for all liabilities arising from any registered mortgage or lease. (See Chapter XXVI. § 16.)

4. No more than one plot of land as registered can be included in one application for "transfer of registry."

5. No portion of the registered area of any plot of land can be transferred to a new owner by "transfer of registry." (See Chapter XVII. § 23 to § 27.)

6. Any registered owner of land desiring to sell or transfer a portion of it, must first have this portion surveyed by an authorized surveyor, or by an assistant of the municipal surveyor, and shall



then make application to the registrar of the county, district, or municipality in which it is situate, for registry of this portion (see Chapter III. § 8, Chapter XIV. § 23, and Chapter XXVI. § 16), annexing to the application a plan of this new section with computation of area. If this plan be approved by the revising or by the municipal surveyor, the registrar shall annotate the application on the register sheet of the original plot, shall make a fresh entry of the remaining area, on which alone tax is recoverable in future on this original plot, and shall open a new register for the new section in the name of the applicant but under a different number, the tax being payable on it separately from the 1st January next ensuing. The register being complete, the land is then saleable or transferable. (See § 17.)

7. If a registered owner of land desire to make gift of right of ownership in this land to any person for lifetime only, he can apply for "transfer of registry," as in § 2, specifying that right of ownership is thus transferred to the donee for lifetime only, and also specifying the person or persons who shall inherit absolute right of ownership in the land at the death of the said life-owner. A certified copy of this deed of transfer shall act as "Probate of will," in giving title to the said heir in reversion, on obtaining possession of the land, to claim re-registry in his name. (See Chapter XVII. § 1 and § 2, and Chapter XXI.)

8. The power to make gift of right of ownership

for lifetime only is restricted to one life (see Chapter I. § 4), the heir in reversion becoming in every case absolute owner of the land when he secures re-registry of it in his name. (See Chapter XIV. § 23, and Chapter XXI. § 1 to § 4.)

9. If any application for "transfer of registry," or for transfer of "right to re-register" (see Chapter XVII. § 23), contain any clause or provision which does or may in any way curtail that full power over the land specified which is conferred by registry of a claim to right of ownership, either absolute or for lifetime only, the registrar shall reject the application (see Chapter XX. § 1, § 2, and § 8, Chapter XXI. § 5, and Chapter I. § 5). If the registrar do by inadvertence admit such irregular application, this clause shall in every case be null and void.

10. Any deed of sale or transfer which bears date subsequent to the 31st December, 1899, which is not drawn out and executed in the form prescribed in § 1 or § 2, which is not a claim for "transfer of registry" or for "transfer of right to re-register" (see Chapter XVII. § 23 to § 27), or which is not signed in presenee of the registrar of the county, district, or municipality in which the land is situate, and countersigned by him, shall not confer upon the person in whose favour such deed of sale or transfer is effected, any title whatever to right of ownership in the land therein specified.

11. If a life-owner of land so registered in his

name apply for transfer of this register to the name or designation of some other person, association of persons, company, or institution, the registrar shall reject the application. (See exception, § 12.)

12. When a tenant-in-tail in possession of land on the 1st January, 1900, who becomes the registered life-owner thereof, sells this land for the purpose of commuting liens or settlements which have been made upon it (see Chapter XXI. § 17), he shall apply to the Lord Chancellor for an injunction to the registrar of the land office in which the land is registered, directing him to admit the application for transfer of registry of this land to the purchaser. The application shall then be admitted by the registrar and this transfer of registry shall be held to be a legal deed of sale.

13. An application for the transfer of registry of land is a cession by the owner of all rights over the land at that time, or which may be at any future time possessed by him in virtue of the registry of the land by this transfer superseded; but if he have previously limited these rights by ceding the occupation of the land to a tenant or to tenants, the power of the newly registered owner is limited by such rights as may be possessed by the said tenant or tenants. (See Chapters XXII. to XXV.)

14. If a seller of land, which is occupied by a tenant or by tenants, omit to state the fact of such occupancy in his application for transfer of registry,

or if he make false statement of the terms on which the land is held by the said tenant or tenants, he shall be liable for all and any loss or injury the purchaser may suffer in consequence of such omission or false statement. (See § 1.)

15. Every registered owner of land who desires to transfer his register to some other person or association of persons, if there be any mortgage or mortgages registered upon this land, shall, with the application for transfer, present to the registrar written acknowledgments from the registered owner or owners of this mortgage or of these mortgages, that he or they has or have been duly advised of the proposed transfer.

16. In default of such written acknowledgment of notice, the registrar shall delay the granting of the transfer for one month, during which he shall notify the registered owners of these mortgages, by circular and by advertisement in local papers, of the said application, and shall, after this delay, grant the application for transfer on payment by the applicant of the cost of the said circulars and advertisements. (See Chapter XIV. § 3 and § 24.)

17. If a registered owner of land apply for the separate registry of a section of this land, which section entirely separates a portion of the remaining land from the rest, he shall at the same time apply for the separate registry of this portion so cut off, and the registrar is prohibited from granting the first

application unless the second be at the same time presented in due form.

18. If a registered owner of land apply for the transfer of his register to an alien, the registrar shall reject the application.

19. If through inadvertence this application be granted, the new register, all transfers of registry and re-registers dependent upon it, and all mortgages and leases which may be granted during the continuance of this register, shall be *ipso facto* null and void. No lapse of time shall remove this disability, and the previous registered owner, or his heirs, executors, or assigns, at any time until this register be superseded by a legal register (see Chapter XVII. § 15), which has by lapse of time become indefeasible, or until the land be forfeited from any cause, shall have power to take possession of the land in virtue of the previous register, which cannot be superseded by a register in the name of an alien.

20. If the ownership of a deed of mortgage be sold, ceded or transferred by the registered owner thereof, such transfer shall be effected in the same way as is provided in § 1 and § 2 for the transfer of a register of land. The fact of said transfer of ownership shall be in like manner inscribed in the "Act of Registry" of the mortgage and annotated upon the register of the land referred to.

21. The same provision shall apply to the sale or transfer of a lease of land.

## CHAPTER XVI

### THE RESPONSIBILITY OF THE SELLER OF LAND

1. EVERY application by an owner of land for the transfer of the register of this land from his name to the name of a purchaser, or for the transfer of the right to re-register to a purchaser (see Chapter XVII. § 23 to § 27), is in itself an assertion by him of the validity of his title to possess and to sell, and does and shall *ipso facto* constitute a guarantee given by him and binding upon himself and upon his heirs, executors, and assigns for a term of twelve years, that he or they will be responsible for all loss or injury which the purchaser or his heirs, executors, or assigns may suffer in case he or they be ejected from the land or from any part of it, on account of insufficiency of title granted or transferred by said seller of the land.

2. This liability of the seller to the purchaser of land shall not lapse in consequence of any subsequent sale of the land, but shall be and is limited to twelve years from the day on which the deed of sale is signed.

3. The liability of the heirs, executors, and assigns of a seller of land in consequence of the insufficiency of a title guaranteed by him, is and shall be limited to the value of such inheritance, estate, or assignment as they have inherited or may hold by bequest or assignment from him.

4. A purchaser of land may exonerate the seller and his heirs, executors, and assigns from this liability by the insertion of a special clause to that effect in the deed of sale, and the insertion of this clause shall exonerate the seller, his heirs, executors, and assigns from all liability to any subsequent purchaser.

5. In like manner every application for transfer of registry signed by an owner of land, whereby the registered right of ownership in this land is made over by him to some other person, association of persons, company, or institution, in submission to foreclosure of mortgage, assignment in liquidation of debt or other liability, or by way of gift, is an assertion by him of his right to make such transfer of ownership, and does and shall constitute a guarantee given by him and binding upon himself and upon his heirs, executors, and assigns for the space of twelve years, that he or they will be responsible for all loss or injury which the new owner or his heirs, executors, or assigns may suffer in case he or they be ejected from the land or from any part of it, on account of insufficiency of title

conferred by said deed; unless he be by a special clause in the said deed of transfer relieved from this liability by the said person, association of persons, company, or institution, to whom the registered right of ownership is so made over by such transfer of registry.



## CHAPTER XVII

### THE RE-REGISTRY OF CLAIMS TO RIGHT OF OWNERSHIP IN LAND ACQUIRED WITHOUT DIRECT TRANSFER

1. EVERY person who comes into possession of land, claim to right of ownership in which is registered in the name of another person, and who applies for the supersession of this register by one in his own name, shall not only be required to prove occupation of the land (see Chapter III. § 4 and § 6), but shall be required to annex to the certificate of occupation documentary evidence that the right of ownership in the land has passed from the said registered owner to himself (see Chapter III. § 3). If this documentary evidence does not show (apart from all question of the validity of the documents presented) that right of ownership in the land referred to has passed from the registered owner to the applicant, the registrar shall reject the application. (See Chapter III. § 11, and Chapter XV. § 10.)

2. Any person who may inherit land devised to

him by will of the person in whose name the land is registered shall, on receiving possession of the land, make application to the registrar of the county, district, or municipality in which it is situate, for re-registry of a claim to right of ownership in the land in his name. This application shall contain an assertion of occupation of the land by the applicant, either in person or by tenant or deputy, and of his right of ownership in it, shall be accompanied by an attested copy of the probate of will under which this claim is made, and shall be signed by the applicant in presence of a Justice of the Peace resident within the said county, or if the land be situate within the jurisdiction of a district council or of a municipal corporation, then in presence of two householders resident within the same district or within the same municipality, and of the Chairman of the district council, or of the municipal surveyor, who shall attest the authenticity of the signature, and shall also testify to the truth of the assertion of occupancy, as known to him and to them by common report. (See Chapter XXVI. § 16.)

N.B. If an attested copy of probate of will, which is already archived in one land office in connection with the re-register of one plot of land, be subsequently required in connection with another re-register, either of the same land or of some other land registered in the same office, it shall not be necessary to present with such subsequent

application for re-registry a second attested copy of the same probate of will, a reference in said application to the occasion and date on which the said attested copy was archived shall suffice. The registrar shall, in every such case, have care that the claim for re-registry be in accordance with the terms of said will.

3. This application being made in due form, the registrar shall inscribe at the foot of the document a formal acceptance thereof, which he shall sign and seal with his official seal, the various documents being then by him archived. The registrar shall, after acceptance of the application, draw a line across the register sheet of the land referred to, and shall inscribe a new heading, comprising the particulars of this application and the amount and registered number of any mortgage, and the registered number and term of any lease which may be registered on the land. This inscription shall transfer the registered right of ownership in the land to the applicant, who shall thus become liable for the annual tax on the land from the 1st January next ensuing, and shall also thus become responsible for all liabilities arising from any registered mortgage or lease.

4. If land be devised by will to trustees in trust for a minor, the said trustees shall apply for re-registry of the land in the name of the person benefited by the said trust in the form stipulated in § 2 and § 3, which person at due age shall acquire

all the rights and privileges vested in the ownership of this land.

5. If land be devised by will to any person for lifetime only, application must be made for re-registry of claim to right of ownership in this land in his name by the said life-owner, or by his trustees for him if he be a minor, in due form as set forth in § 2 and § 3. If the land so inherited be a portion only of a larger plot of land held under one register, registry must be applied for of such portion in the ordinary form stipulated for original registry, with the addition of attested copy of probate of will under which it is inherited, by the life-owner in his name, and with special plan of this portion annexed (see § 6), drawn out by an authorized surveyor, or if the land be situate within the jurisdiction of a municipal corporation, then by an assistant of the municipal surveyor. The registrar shall open a new register for this portion, and shall deduct the area specified from the area of the previous register. In each such re-register of land in the name of a life-owner, the registrar shall make special inscription in the "Act of Registry" of the fact that right of ownership is claimed and held in the land by such register for life only. (See Chapter XIV. § 23.)

6. If a registered owner of land devise this land by will to two or more persons, it may either be sold by the executors, and the proceeds divided

among the heirs in proportions as determined by the will, or it may be divided among them as they, the said heirs, may decide. In which latter case each several heir, or his trustees for him, shall cause the section accruing to him to be surveyed by an authorized surveyor, or by an assistant of the municipal surveyor, and application shall be made in due form for registry of each such section, an attested copy of the probate of will under which the land is so divided being annexed to the first such application and being referred to in the other or others. The registrar shall open a fresh register for each such section, except for the last, which shall remain as a continuation under re-registry of the original register, a new plan being presented when application is made for such re-registry, with correction of area in accordance therewith.

7. No registered owner of land shall have power to devise this land to two or more persons indivisibly, unless such persons form a partnership or association recognized by law, and already established at the date of the signature of the will. Any land so devised by will shall, at the death of the testator, be sold by his executors, and the proceeds divided among the persons interested in equal proportions. (See § 23 to § 26, and Chapter III. § 22.)

8. If a registered owner of land die intestate leaving only one heir, this heir, or his trustees for him, shall, on receiving possession of the land, apply

in due form for re-registry as is provided in § 2 and § 3, an attested copy of the certificate of the death of the late registered owner being annexed to the application, and also a certificate from the administrator of the estate of the deceased owner to the effect that the applicant has been placed in possession of the land as heir-at-law.

9. If a registered owner of land die intestate leaving more heirs than one, the land may either be sold for their common benefit or may be divided among them as they may agree. If the land be divided, each separate section shall be surveyed and application shall be made for registry of it as is provided in § 6, an attested copy of the certificate of the death of the registered owner being annexed to each such application, and a certificate from the administrator of the estate of the deceased owner that the applicant has been placed in possession of the land as heir-at-law to this section. If the land be sold, the purchaser, after receiving possession of the land, shall apply for re-registry in due form as provided in § 2 and § 3, annexing to his application an attested copy of the certificate of the death of the registered owner, and also proof of his purchase of the land from due authority. (See § 23 to § 26.)

10. If any person come into possession of land by assignment in bankruptcy, he shall, in default of receiving "transfer of registry" from the bankrupt

or previous owner, apply for re-registry of claim to right of ownership in the land in his name in due form as provided in § 2 and § 3, annexing to his application a certificate from the official liquidator of the bankrupt estate to the effect that right of ownership in the land has passed from the registered owner to the applicant in consequence of the bankruptcy of the said registered owner. (See Chapter XIV. § 3 and § 25.)

11. If a registered owner of land lose right of ownership in this land by foreclosure of mortgage, the new owner, on receiving possession of the land, shall, in default of receiving transfer of registry, apply for re-registry in his name in due form as is provided in § 2 and § 3, and shall annex to the application the deed of mortgage or an attested copy of the deed by virtue of which he has obtained possession of the land. If such mortgage have been duly registered, re-register shall be granted, but if such mortgage have not been duly registered, the registrar shall refuse the application, this foreclosure being *ipso facto* illegal. (See § 14 to § 20, and Chapter XIV. § 5 to § 8.)

12. Any person who by process at law proves that land registered in the name of another person does in justice belong to him, shall, on receiving possession of the land, make application for re-registry of claim to right of ownership in it in his own name in due form as is provided in § 2 and

§ 3, annexing to his application an attested copy of the judgment whereby he obtained possession of the land; and if any arrears of tax or fines be due on the land, he, after payment of such arrears in order to obtain re-registry (see Chapter XXVI. § 16), shall have legal claim upon the late owner for this amount.

N.B. Any judgment whereby an applicant for re-registry is declared by a competent tribunal to be the rightful owner of land registered in the name of another person, shall, when presented to the registrar as proof of right to claim such re-registry, have the effect of cancelling any preceding register, re-register, or transfer of registry which is by said judgment declared to be illegal, or which might by lapse of time give title to right of ownership in said land to any person other than the applicant (see Chapter III.), and shall also cancel the register of any mortgage which may have been granted upon the land by any previous owner whose register is by this judgment declared to be illegal, the said mortgage ceasing to give lien upon the land but becoming a certificate of indebtedness. (See Chapter XIV. § 3.)

13. If any suit at law place two or more persons in joint possession of land, they may proceed as is provided in § 9, for heirs of an owner dying intestate, annexing to their application for



registry or re-registry an attested copy of the judgment whereby they obtained possession of the land. If any arrears of tax and fines be due on the land, they jointly or either or any of them severally, who may have paid such arrears in order to obtain registry or re-registry, shall have legal claim upon the late owner for this amount.

14. If any person having obtained possession of land by any means, fraudulent or otherwise, neglect to apply for or fail to obtain re-registry (said land being already registered in the name of a previous owner), and cover such neglect or failure by continuing to pay the annual tax in the name of the registered owner, this registered owner shall continue to be the legally recognized owner of the land, and he or his heirs, executors, or assigns can, after the expiration of twelve years from the date at which the registry was effected, bring forward an attested copy of the "Act of Registry" as an indefeasible title to right of ownership in the land, and can claim possession. Debts, mortgages, or informal deeds of sale neither do nor shall constitute any claim to right of ownership in land which is registered in the name of the debtor, in the name of the grantor of a mortgage which is not registered and foreclosed, or in the name of the vendor by such informal deeds of sale (see Chapters XIV. and XV.). The mere fact of occupation and payment of tax levied on a name

other than that of the occupant shall give no title whatever to right of ownership in land.

15. The fact of undisturbed occupation of land for five years, during which time the land has been registered in a name other than that of the occupant, who has during these five years paid tax in the name of the registered owner, and has not paid rent or in any other way given consideration to any one for the use of the land, shall give to this occupant a right to claim re-registry of claim to right of ownership in the land in his name.

16. The applicant for such re-registry shall in his application make assertion of undisturbed occupation of the land for five years, and of non-payment of rent or of consideration of any kind to any one for the use of the land during these five years, which assertion shall be signed in the presence of a Justice of the Peace resident within the county in which the land is situate, or if the land be situate within the jurisdiction of a district council or of a municipal corporation, then in presence of two householders resident within the same district or municipality, and of the Chairman or municipal surveyor (see Chapter III. § 4 to § 6), who shall attest the signature and shall certify the truth of the assertion in every particular as known to him and them by common report. The applicant shall also produce receipts proving the payment of the annual tax during these five years.

17. The registrar shall not have power to refuse this claim for re-registry on account of any knowledge or belief he may have of fraud on the part of the applicant in obtaining possession of the land. Such re-registry, not being derived from or in any way dependent upon the previous register, does not in any way supersede this register, until by the expiration of a term of twelve years it becomes an indefeasible title. (See § 14.)

18. Any person who may purchase or inherit the occupation of land registered in the name of some other person than the person from whom occupation of said land was purchased or inherited, by asserting and producing proof (see § 16) of undisturbed occupation of the land for five successive years, during which five years he has not paid rent or given any consideration to any person for the use of the land, and during which years he has paid tax on the land in the name of the registered owner, may in like manner claim re-registry of the land in his name.

19. This re-registry shall not bar the right of the previous registered owner of the land, or of his heirs, executors, or assigns, to claim possession of the land in virtue of title conferred by the previous register, which is not by this re-register superseded, until by the expiration of twelve years this re-register becomes an indefeasible title. (See Chapter IV. § 7.)

20. If the previous registered owner of the land be again placed in possession of the land, either by process at law or by private arrangement, he shall not be required to make application for re-registry, but shall, on proving occupation of the land either by himself in person or by tenant or deputy, as attested by a Justice of the Peace resident in the county in which the land is situate, or if it be situate within the jurisdiction of a district council or of a municipal corporation, then by two householders resident within the same district or within the same municipality, and by the Chairman of the district council or the municipal surveyor, be by the fact of such judgment or arrangement of which proof must be adduced and by the certificate of occupation as aforesaid, entitled to demand from the registrar that he cancel all intervening registers, leaving his previous register in full force. Such rehabilitated owner shall pay all arrears of tax or fines which may be due on the land, and shall have legal claim upon the late occupant for that amount. (See Chapter XXVI. § 16.)

21. The heirs, executors, or assigns of a previous owner who thus come into possession of land either by process at law or by private arrangement, shall make application for re-registry in the usual form, but may in like manner on presenting proofs of the illegality of intervening registers, establish this re-register as a direct supersession of the register

of the said previous owner, from whom the said land has been inherited or derived. (See note to § 12.)

22. If right of ownership in any registered plot of land be forfeited by the registered owner in consequence of evil use made by him of the land (see Chapter XX. § 13), and the land be sold by the Chairman of the council of the county or by the mayor or provost of the city or town in which it is situate by public auction, the purchaser, on applying for re-registry of the land in his name, shall annex to his application an attested copy of the judgment by which right of ownership in the land has been forfeited by the previous owner; and, further, a certificate from the Chairman of the county council or from the mayor or provost aforesaid, to the effect that right of ownership in this land having been forfeited by the previous owner on account of evil use made by him of it, the land has been sold in public auction to the applicant, who has already paid the purchase-money, of which the amount shall be stated. This re-register shall, in consequence of this judgment and the certificate of the Chairman of the county council, mayor or provost, become *ipso facto* an indefeasible title to right of ownership in the land, and shall bar all antecedent titles. (See Chapter XXVI. § 16.)

N.B. Lands forfeited on foreclosure of mortgage (see Chapter XIV. § 7), or by neglect to pay tax

for five successive years (see Chapter XXVI. § 12), shall be re-registered by the purchaser as is provided in Chapter XII. for the registry of lands forfeited in consequence of failure or neglect to register, save that no fresh plan will be required; and, in the first case, the sum payable for arrears of tax, fines, etc., shall be the amount actually owing by the land.

23. If any co-heir of a deceased owner of land, or if any one of two or more persons who come into joint possession of one plot of land by assignment in bankruptcy, by foreclosure of mortgage, or by process at law, sell or cede his right of ownership in said land to another person, he may by an application for transfer of his right to re-register a claim to right of ownership in the land, drawn out, signed, and witnessed as is provided in Chapter XV. § 1 or § 2, entitle the person to whom such right of ownership is thus sold or ceded to claim re-registry of the land in his own name without any intermediate re-register. (See Chapter XVI.)

24. Every such application for transfer shall commence with an assertion by the applicant of his right of ownership in the land, and of his consequent right to re-register a claim to this right of ownership, specifying the document or documents upon which he bases this claim. The applicant shall then make declaration of the sale or cession by him of this right to the person to whom he has sold or ceded the land,

specifying the terms of such sale or cession (see Chapter XV. § 1 or § 2), and to whom he in consequence transfers his right to re-register claim to right of ownership. This application for transfer shall not be retained or archived by the registrar until it be presented to him annexed to an application for registry or re-registry of a claim to right of ownership in the land referred to, but the document shall in any case be held to be legal proof of the sale or cession of right of ownership in said land.

25. If all the several rights in one plot of land become thus vested by purchase or by cession in one name, the person specified in these deeds of transfer may apply for re-registry of a claim to right of ownership in said land in his name without annexing to his application any fresh plan of the land. If two or more, but not all these several rights, become thus vested in one name, the person specified in these deeds of transfer may include all such rights as have thus become his in one plan, if they be contiguous, annexing this plan to his application for registry.

26. The person specified in any such deed of transfer shall, on making application for registry or re-registry of a claim to right of ownership in the land thus sold or ceded to him, annex to his application this deed or these deeds of transfer, together with such attested copies of documents as would have been required from the vendor or vendors, or from

the ceder or ceders of the land, had he or they applied for such registry or re-registry in his or their own name or names.

27. The registrar is prohibited from giving his signature and seal to any transfer "of right to re-register a claim to right of ownership in land," if the land in which right of ownership is thus transferred be not already registered in the books of his office. That is, that subsequent to the 31st December, 1899, right of ownership in land cannot be sold or ceded unless a claim to right of ownership in it be already registered. (See Chapter XV. § 10.)

28. If when the co-heirs of a deceased owner of land, or the joint possessors of land which has come into their possession by assignment in bankruptcy, by foreclosure of mortgage, or by process at law, divide this land among themselves and apply for registry of the different sections, the registrar discover that these sections are not of equal area, he shall still admit each such section to registry on the presumption that the applicants have arranged among themselves the terms of such unequal division.

29. It is not and shall not be any part of the duty of the registrar to see that the exact provisions of the will of a deceased owner of land are carried out in the partition of this land among heirs, copy of the probate of will being lodged with



him only as corroborative proof of the truth of the assertion embodied in the application for registry or re-registry. The revising or municipal surveyor may, however, if he deem it necessary, refuse certificate of accuracy to the plan of any section until he have plans of the remaining sections presented to him.

30. Land may be registered, re-registered, or transferred in the name or designation of any company, association, or institution, by a trustee or by trustees, or by any duly authorized representative of such company, association, or institution, providing always that this trustee or these trustees, or this representative do, at the time of making application, adduce full and sufficient proof to the satisfaction of the registrar, that he or they is or are duly authorized to make application for such registry, re-registry, or transfer of registry.

31. Any person being the registered owner of two or more contiguous plots of land may, when such registry has continued for each several plot for twelve years under his name, claim to have all these several plots included under one register. To the application for such registry shall be annexed a plan, drawn up by an authorized surveyor, or by an assistant of the municipal surveyor, of the whole of the land so joined. The new area so formed shall comprise at least the sum of the various registered areas of the several plots of land

so joined, and if the new plan show a smaller area, the real area shall then be assumed to be the larger area, but subject to subsequent correction. (See § 34 and § 35.)

32. In each and every instance of such union under one register of various separate areas of contiguous lands, it shall be essential that the revising or municipal surveyor add to his certificate of accuracy of the plan presented, a special certificate that this new plan does not include any land which was not included in the registers so superseded, by which certificate this new plan and register become at once an indefeasible title to right of ownership in the land to which they relate by the person or association of persons in whose name or designation such registry is effected, he or they having been already the registered owner or owners of the whole of the said land for twelve years.

33. Any owner of two or more contiguous plots of enclosed land, registered under different numbers, may remove the intervening fences at pleasure, but shall be required to leave landmarks showing the original position of such fences, so long as union under one register is not applied for.

34. Applications for re-registry or for transfer of registry shall not necessitate a re-survey of the land, nor shall they be accompanied of necessity by fresh plans, but if the new owner be not content

with the original survey and plan as archived in connection with the previous register, he may cause such new survey to be made and may present a fresh plan, and shall be liable for tax on the area as shown by the new plan so presented, if it receive the approval of the revising or municipal surveyor.

35. If a county or district registrar have reason to believe that the area specified in any archived survey and plan is inaccurate, either by reason of error in the original survey or by subsequent change in the line of the enclosing fence (see Chapter VIII. § 4), he may, on receipt of an application for re-registry or transfer of registry of the land to which such plan relates, demand from the applicant a fresh survey and plan, and may refuse to admit the application until such fresh plan be presented and receive the approval of the revising surveyor. The cost of such obligatory re-survey shall be defrayed by the land office in which the said land is registered, and the tax shall be levied on the revised area from the 1st January next ensuing. No such re-survey shall be permitted to change in any way the boundaries of the land as already established. (See Chapter XIX.)

36. If a municipal surveyor discover that the area specified in any archived survey or plan of land within his supervision is incorrect, he shall, after notice to the registered owner, cause fresh survey to be made of the land, and a corrected plan shall sub-

sequently be deposited with the registrar, the costs of the survey being defrayed by the municipal land office, and the tax being levied on the revised area from the 1st January next ensuing.

37. Any alien who may come into possession of land by inheritance, by assignment in bankruptcy, by foreclosure of mortgage, or otherwise than by direct transfer which is illegal (see Chapter III. § 25), cannot claim re-registry of the land in his name, but may grant a right to claim re-registry (see § 23) to any one whom he may select, who is not an alien, on any terms they may arrange between them, save that he shall have no power to create a life-ownership in the land. (See Chapter XV. § 9.)

38. If the ownership of a deed of mortgage pass to some other than the registered owner thereof, by inheritance, by assignment in bankruptcy, or otherwise than by direct transfer, the new owner shall apply for re-registry of this mortgage in the same manner as is provided in this chapter for the re-register of a claim to right of ownership in land. This re-register shall in like manner be inscribed on the "Act of Registry" of the mortgage, and the fact of this change in the ownership of the mortgage shall be annotated upon the register of the land referred to. (See Chapter XIV. § 29.)

39. The same provisions shall apply to the re-register of a lease acquired without direct transfer. (See Chapter XXIII. § 47.)

## CHAPTER XVIII

### THE REGISTRY, RE-REGISTRY, OR TRANSFER OF REGISTRY OF CLAIMS TO RIGHT OF OWNERSHIP IN LAND BY PROCURATION

1. ANY owner of land applying for registry, re-registry, or transfer of registry, or any person to whom land may be sold or ceded by such owner, who through absence or illness may not be able to attend in person at the land office, may give a special attested power of attorney to some other person to represent him, this power or these powers being retained by the registrar when presented to him and being archived by him with the application for registry, re-registry, or transfer of registry, the fact of such signature by procuration being embodied in the application, and in the "Act of Registry."

2. Power for the registry, re-registry, sale, and purchase of different plots of land situate within the jurisdiction of the same land office, may be included in one power of attorney, which being archived by the registrar on the first occasion on which it is

used shall be referred to by him on each subsequent occasion for its use, and a clause inserted by him in the corresponding deeds, giving reference to the deed with which it was originally presented and archived.

3. Power for the registry, re-registry, sale, purchase, and cession or gift of plots of land situate within the jurisdiction of different land offices, may be included in one power of attorney, which shall be archived by the registrar of the first land office at which it is presented. An attested copy of this power (see Chapter XXIX. § 4) shall be presented to and archived by the registrar of each of the other land offices on the first occasion on which it is there required (see § 2), and each such attested copy shall be accepted by each such registrar as conferring equal power with the original deed.

4. Each such power of attorney shall contain a separate specification of each separate purpose for which it is granted.

5. No general power to act as agent for an owner of land shall be accepted by the registrar as giving authorization to apply for re-registry or transfer of registry, but a certified and attested copy of such general power may be accepted by the registrar in application for original registry.

6. No person presenting a power from a purchaser of land shall be permitted to insert in the application for "transfer of registry," the clause

specified in Chapter XVI. § 4, unless he be specially authorized by the terms of said power to exonerate the seller of the land from his liability in regard to title conferred. (See Chapter XVI. § 1.)

7. Every such special power of attorney shall lapse by the expiration of five years from the day of its date.

8. Every person holding such special power from an owner of land shall be and is prohibited from applying by virtue of this power for transfer of registry of any land specified in said power to his own name, or to the name or designation of any firm or association of which he is a member. Any such application shall be rejected by the registrar.

9. The registrar shall also reject any application for transfer of registry if the power from the seller or ceder of the land and the power from the purchaser or recipient of the land be vested in the same person.

10. The registrar shall reject any power presented to him which is not duly authenticated, or in which the purpose or purposes for which it is granted is or are not explicitly defined. (See § 5.)

11. Every power of attorney granted for any purpose in connection with a land office, must be signed in the presence of the registrar (or of an authorized deputy of his) of the county, city, or town in which this power is granted, and the signature must be attested by him to be that of the person

represented by this power. If the power be granted in any British colony or possession, it shall be signed in the presence of and the signature shall be attested by such authority as may be designated for such purpose by the laws or usages of the said colony or possession. If the power be granted in a foreign country, it shall be signed in the presence of and the signature shall be attested by a British consul accredited to that country.



## CHAPTER XIX

### DISPUTES ABOUT BOUNDARIES

1. No person or association of persons can or shall obtain registry of claim to right of ownership in any land, in his, her, or their name or designation, which land he, she, or they does or do not occupy either in person or by tenant or deputy, such occupation consisting in the use of the land without payment of rent or other consideration to any one for such use.

2. Any registered owner of land who by process at law is put in possession and occupation of contiguous land may either claim separate registry of this land (see Chapter XVII. § 12), or may unite this land to the land he had contiguous to it registered in his name, and may claim re-registry of the whole under the original number, annexing to the application a fresh plan of the land, and an attested copy of the judgment as above. This re-register shall bear date only from the day on which this application is accepted, that is, the re-register shall not become an indefeasible title

till after the expiration of twelve years from this date.

N.B. No court of law has or shall have any power to change the boundary lines of any plot of land which has been registered according to one plan for twelve years. (See Chapters IV. and V.)

3. Any owner of land who may lose by process at law a portion of the land he has registered in his name, shall apply for re-registry of the remaining portion (see Chapter III. § 6), annexing to his application a plan of this remaining portion showing the reduced area. This re-registry shall be held to be a continuation only of the previous register of the land, and shall date from the day on which the said previous register was effected. Neglect to apply for re-registry shall not by expiration of time give him any legal claim to right of ownership in the land of which he has been dispossessed, if the successful suitor have obtained registry of it in his name before the expiration of the twelve years which would make the original register an indefeasible title. (See Chapter III. § 13.)

4. If an owner of land who by process at law has been put in possession of contiguous land, which land he has registered in due form (see § 2), find on inspection of the registers that the former registered owner continues to assert his claim to

this land by leaving his register unchanged and by paying tax upon the land, he may demand from the registrar that he cancel the register in virtue of which such tax is levied, and so compel the former registered owner to produce a fresh plan of his land and apply for re-registry.

5. This demand shall take the form of an affidavit setting forth the circumstances of the case, signed by the said registered owner of the land in presence of a Justice of the Peace resident in the county in which the land is situate, and witnessed by two registered owners of land in the same county, district, city, or town, who, together with the Justice of the Peace, shall certify that the former registered owner of the land in question is no longer in occupation thereof. To this affidavit shall be annexed a copy of the judgment by which the complainant was placed in possession of the land and entitled to register claim to right of ownership in it in his name.

6. The registrar shall refer this demand to the revising or municipal surveyor, and if he report that the said land is included in the plan of the contiguous land registered in the name of the former owner, the registrar shall accede to the demand, and shall cancel this register on the ground that land is included in it which is not occupied by the registered owner and in which he has no legal right of ownership.

7. If subsequent to the 31st December, 1904, any register be so cancelled, tax can no longer be paid on the land to which it relates until re-registry be applied for (see Chapter XXVI. § 4), of which the registrar shall advise the late registered owner on the first date at which such tax becomes due. If re-registry be delayed for more than one year from this date, the land shall be denounced as without owner by the registrar to the Chairman of the county council, or to the mayor or provost of the city or town, in which it is situate, who shall sell it by public auction as is provided in the case of lands forfeited by neglect or failure to register (see Chapter XII., and Chapter XVII. § 22), save only that the amount payable by the purchaser for arrears of tax, fines, etc., shall be the amount actually due on the land at the date on which re-register is applied for. If the land be unenclosed and be not situate within the jurisdiction of a district council or of a municipal corporation, it shall come at once under the category of "waste land," on notification to that effect from the Chairman of the council of the county to the registrar.

8. If the successful suitor do not desire to possess the land he has so won by process at law, but sell it to the late owner under whose name it is already registered, he can secure possession of it to him without any change in the register, by giving him a "transfer of right to claim re-registry of right of ownership." (See Chapter XVII. § 24.)

## CHAPTER XX

### THE RIGHTS AND LIABILITIES APPERTAINING TO THE OWNERSHIP OF LAND

1. EVERY registered owner of land has and shall have the right to occupy and use the land registered in his name in any way he may think fit, so long as he do not by any such use inflict injury upon his neighbours, and so long as this use be in no way obnoxious to the public weal. This right to occupy and use is and shall be held subject to and modified by all rights of way or drainage which may have existed upon the land at the date of acquiring possession thereof, or which may have been or may be subsequently imposed upon the land by competent authority, by custom, or by lapse of time.

2. The ownership of land certified by registration shall confer equal right of ownership upon the person or association of persons in whose name or designation such land is registered, to all buildings, trees, crops, fences, etc., which exist upon the land.

Ownership of land shall also include the right to shoot or trap any undomesticated animals or birds which may live on or may stray on to the land. Also the right to prosecute mining or quarrying operations on or beneath the surface of the land for the sole use and benefit of the possessors of such right of ownership. (See § 7.)

3. This right of ownership is and shall be a secondary right only, in subordination to the primary right of ownership which belongs to the nation, which may at any time by Act of Parliament require delivery of the land or of any part of it, if such be necessary for national or for public purposes.

4. The registered owner of land and any tenant or deputy of his who may be in occupation of land so required by the nation, shall have right to compensation for any loss or injury he and they may suffer by such resumption of national ownership.

5. Any registered owner of land may temporarily cede to another person for a consideration his rights of ownership by lease; but if he do so yield up the occupation and use of the land, he shall be and hereby is prohibited from retaining to himself any of the rights of ownership, save and except only the right to sell, assign, lease, devise, or mortgage the land, and the right to prosecute such mining operations beneath the surface of the land as shall not in any way inflict loss or injury

upon the person to whom the use and occupation of the land is so ceded by lease.

6. Every registered owner of land, the use of which is ceded by lease to another person, shall have power to prosecute mining operations beneath the surface of the land, or to sell or lease separately the right to prosecute such operations, so long as the shafts or openings by which such mines are worked are not situate on the land the use of which is so ceded by lease, but the registered owner shall have no power to quarry or remove stone from the surface of any land he have leased.

7. If, however, there exist and are actually in force any mining rights or royalties on mines which are in actual working on the 1st January, 1900, which rights or royalties are enjoyed and exercised by some person or persons other than the registered owner of the land beneath which the workings are run, this registered owner shall not in such case have any right of ownership in these mines by reason of such registry of the land in his name, and is prohibited from sinking shafts for the prosecution of mining operations beneath this land which may in any way interfere with or encroach upon the rights so enjoyed and exercised by such other person or persons.

8. Every registered owner of land shall have power to give or devise this land or a limited portion of it (see Chapter XXI. § 1 to § 4) to one

person for lifetime only, which gift or bequest shall limit the right of ownership so given or devised to the use and occupation of the land during lifetime, and shall prohibit the gift, bequest (unless such power be specially granted: see Chapter XXI. § 5), sale, assignment, lease, or mortgage of the land by such life-owner, this power of limited gift or bequest being limited to one life. Also, any registered owner of land, save such life-owner, shall have power to grant mortgage on the land, thereby curtailing his power, and that of his heirs, administrators, and assigns, over the land, as specified in Chapter XIV., and in accordance with the terms of the mortgage. Also, any registered owner of land, save a life-owner, shall have power to cede, for a fixed term of years, his right of ownership in the land, by lease, retaining only to himself and to his heirs, administrators, and assigns, the right to devise, sell, assign, or mortgage the land, and to exercise, sell, or rent the right to carry on mining operations beneath the surface. All other contracts or stipulations by will or by deed, which may in any way curtail the full power over the land conferred by the registry of a claim to right of ownership in the land upon the registered owner, even though such registered owner be himself a consenting party thereto, are and shall be, by the fact of such curtailment of the rights of ownership, null and void.



9. Every registered owner of land is and shall be personally responsible for payment of the annual tax on land, and cannot by any treaty or covenant made with any tenant, agent, or other person absolve himself from this responsibility, from fines for delay in payment of tax, or from the loss of title to and possession of the land which will result from non-payment of tax for five successive years. (See Chapter XXVI.)

10. This personal responsibility shall not preclude an owner of land from claiming compensation from any such tenant, agent, or other person through whose neglect and breach of covenant he may incur such loss, whether this loss be in fines or in title to and possession of the land.

11. If any registered owner of land make such use of his land, or if any tenant make such use of the land, the occupation of which is ceded to him by the said registered owner, as inflicts injury upon his neighbours or as is obnoxious to the public weal, any twelve registered owners of land situate within the same county, within the jurisdiction of the same district council or of the same municipal corporation, may present to the Chairman of the council of the said county, or to the mayor or provost of the said municipal corporation, a formal protest against the continuance of such use of the land. The Chairman, mayor or provost, on receipt of this protest, shall forward a copy of it, with the names

of the protesters subjoined, to the said registered owner, warning him of what may be the consequences of continuing to make such use of his land, or of continuing to permit such use to be made of it.

12. If the land so denounced by twelve registered owners of land situate within the same county, district, or municipality, be not at the time when such protest is presented to the Chairman, mayor or provost, in the actual occupation of the registered owner of the land, but be held in occupation by a tenant, the registered owner shall, on receipt of a copy of this protest from the Chairman, mayor or provost, be entitled to demand from said tenant, whether he be a tenant at will or a leasehold tenant, immediate restitution of the land, and the production in a court of justice of this said copy of the protest together with the letter of warning from Chairman, mayor or provost, shall fully exonerate the said registered owner of the land from any claim for compensation which may be brought against him by said tenant, on account of any loss or injury the said tenant may have suffered in consequence of such summary ejectment.

13. If, after the expiration of one year from the day on which the said registered owner has been so warned by the Chairman, mayor or provost, and within three years of said date, a second protest to the same effect as the preceding protest be presented to the said Chairman, mayor

or provost, by twelve registered owners of land, situate within the same county, district, or municipality, the Chairman, mayor or provost shall at once commence an action for ejectment against the said registered owner on behalf of the nation. If the court before which the case is tried decide that the said registered owner has, in defiance of due warning, made and continued to make, or has permitted others to make and to continue to make, such use of his land as has inflicted and does inflict injury upon his neighbours, or as has been and is obnoxious to the public weal, this judgment shall have power to cancel the existing register of the land, and shall entitle the Chairman, mayor or provost to pronounce the land to be without legitimate owner, and he shall sell it by public auction for cash, in the same manner and with the same stipulations as is provided for the sale of land forfeited by neglect or failure to register (see Chapter XII.), the purchaser being liable for all or any arrears of tax or fines which may be due on the land (see Chapter XXVI. § 16). If the land be not situate within the jurisdiction of a district council or of a municipal corporation, and be unenclosed, it shall at once, in consequence of such judgment, come under the category of "waste land."

14. In every instance in which right of ownership in land is thus forfeited by the registered

owner, the nett proceeds of the sale, after deducting the expenses of the sale and the legal expenses incurred in procuring the decree of ejectment, shall be lodged in Chancery by the Chairman, mayor or provost, for account of any person who may prove a just claim to said proceeds, or to any part of them, within twenty-five years. (See Chapter XII. § 7.)

15. If the person who thus forfeits right of ownership in land registered in his name be a life-owner he shall have no claim to the proceeds of the sale of the land, which proceeds shall remain in Chancery until by his death the heir in reversion to the land shall become entitled thereto. If the land be unenclosed, the heir in reversion shall have no claim for compensation for any contingent loss he may suffer by such forfeiture.

16. In every case in which registered land reverts to the category of "waste land," a formal notification to that effect from the Chairman of the county council shall instruct and give warrant to the registrar of the county land office to cancel the register of this land, and also the registers of any mortgages which may be registered upon it.

17. If claim to right of ownership in land be registered in the designation of any religious or philanthropic association or institution, which land has been granted, given, or devised to the said association or institution either by the State or by a

private individual or by individuals, as a site for buildings to be used for or as a source of revenue to be applied to some specific purpose, which purpose is not duly carried out by the said association or institution, any twelve registered owners of land situate within the same county, district, or municipality may present to the Chairman of the council of the county, or to the mayor or provost of the city or town, a formal protest against the continuance of such unlawful use of the land. The Chairman, mayor or provost, on receipt of this protest, shall forward a copy of it, with the names of the protesters subjoined, to the legal representatives of the said association or institution, warning them of what may be the consequences of continuing to make such use of land held by them in trust for a specified purpose.

18. If, after the expiration of one year from the day on which the said association or institution has been so warned by the Chairman, mayor or provost, and within three years of said date, a second protest to the same effect be presented to the said Chairman, mayor or provost, by twelve registered owners of land situate within the same county, district, or municipality in which the said land is situate, the Chairman, mayor or provost shall apply to Parliament for authority to cancel the register of the land and to sell it by public

auktion, in the same manner and with the same stipulations as is provided in § 13 to § 16 for the sale of land forfeited for evil use made of it.

19. If Parliament authorize the sale of the land, the nett proceeds of the sale shall be lodged by the Chairman, mayor or provost in Chancery, pending the resolution of Parliament as to the purpose to which this fund shall be applied.

20. Right of ownership in enclosed land shall not entitle the owner to obstruct any right of way across his land enjoyed by the public or by individuals. Stiles across paths or unlocked gates shall not be held to be obstructions to right of way.

21. The public shall have right of way across all lands which are registered as unenclosed lands, so long as the land is not occupied by crops growing on cultivated soil.

22. The owner of unenclosed land shall have no power to change the line of any established by-road or pathway, but on enclosed land such by-roads or paths may be made or changed to coincide with a line of fence, and may be cut off by a new fence from the adjacent land at the will of the registered owner. (See Chapter XVII. § 34 and § 35.)

## CHAPTER XXI

### RIGHT OF OWNERSHIP IN LAND FOR LIFETIME ONLY

1. ANY person who, on the 1st January, 1900, is in possession of land as tenant-in-tail, or who within five years from said date comes as tenant-in-tail into possession of land which is not yet registered (see Chapter XII.), shall (see Chapter I. § 5 and § 6) become life-owner of the whole of the land so held in possession by him ; but every bequest or gift of land to a life-owner, made after the 31st December, 1899, shall be strictly limited to one hundred and sixty acres of land not situate within the jurisdiction of a district council or of a municipal corporation ; and to three acres of land within a district or municipality. Any land in excess of said areas devised or given to a life-owner, within the jurisdiction of one land office, after the 31st December, 1899, shall, in spite of the terms of such bequest or gift, become the absolute property of the said life-owner, and, as absolute owner thereof, he shall be entitled to register claim to full right of ownership on coming into possession.

2. The registrar shall admit every application for the original registry of claims to right of ownership in land for lifetime only which may be presented to him in due form by tenants-in-tail who are in possession of land, without regard to the area of land so claimed; but shall reject every application which may be presented to him for re-registry in favour of, or transfer of registry to, a life-owner, if the area of the land for which such re-registry or transfer of registry is applied for exceed one hundred and sixty acres not situate within the jurisdiction of a district council or of a municipal corporation, or which exceeds three acres situate within a district or municipality.

3. Any person who holds land in possession as tenant-in-tail, may register original claims to right of ownership for lifetime only in any number of separate plots of land which he holds by such tenure; but no person who becomes a life-owner after original registry has been made of the land shall be permitted to register more than one claim as life-owner of land situate within the jurisdiction of one land office. Any bequest or gift of land for lifetime only devised or made after the 31st day of December, 1899, to a person who is already registered as a life-owner in the land office in which this land is registered, shall confer absolute ownership of this land upon the person so designated as life-owner only.

4. The registrar shall reject every application



which may be made to him for the re-registration of claim to right of ownership in land for lifetime only by any person who is already registered in the books of his office as a life-owner; and shall also reject every application made to him for transfer of registry of any plot of land for lifetime only to a person who is already registered in the books of his office as a life-owner.

5. An owner of land for lifetime only shall have no power to sell, assign, lease, or mortgage the land so registered in his name, and shall alone have power to devise to one or more persons absolutely if this power be given him by a special clause to that effect in the will or deed in virtue of which he became life-owner of the land; or if at his death the person to whom the reversion of right of ownership has been given or devised by the previous owner, or to whom such reversion is secured by deed of entail or settlement, have died leaving no heir, and if there survive no heir of the preceding owner.

6. The heir in reversion shall have no power to sell, assign, or devise his said reversionary right to the land. If he predecease the life-owner, and this contingency be not provided for in the deed of gift or in the will of the original donor or testator, his heirs shall inherit absolute right of ownership in the land. If he leave no heir, the heirs of the original donor or testator shall come next in succession. In default of any such heirs, the life-owner

shall have power to devise right of ownership in this land to one or more persons absolutely.

7. If the will or deed by which a life-owner of land has justified his claim to registry, do not specify the person or persons who shall become absolute owner or owners of the land on the death of the said life-owner, then absolute right of ownership in the land shall at his death revert to the previous owner if he still survive. If he do not survive, absolute right of ownership in the land shall revert to his heirs, and in default of such heirs, then to the heirs of the said life-owner deceased.

8. If through neglect of any life-owner to pay tax for five successive years, the land registered in his name be forfeited as set forth in Chapter XXVI., the succeeding heir shall lose all claim to the land, and the nett proceeds of the sale of the land shall remain in the hands of trustees appointed by the court of chancery (see Chapter XXVI. § 12), until the death of his predecessor by will or by deed of gift, entail or settlement, entitle said succeeding heir, or his heirs or executors, to claim delivery thereof. If the land be unenclosed and be not situate within the jurisdiction of a district council or of a municipal corporation, and it come under the category of "waste land," the succeeding heir shall have no claim for compensation for contingent loss he may thus suffer.

9. If any present holder of land by right of entail

or settlement neglect to register this land in his name as life-owner (see Chapter I. § 5), as stipulated in Chapters VIII., IX., or X., the land shall be in like manner forfeited, the heir next in succession as established by said entail or settlement having claim to the proceeds of the sale of the land if it be enclosed, or ~~lie~~ within the jurisdiction of a district council or of a municipal corporation, only at the death of his predecessor.

10. Every applicant for registry of a claim to right of ownership in land who is a life-owner only, shall make special acknowledgment of such restricted ownership in his application for registry, which if obtained in full by false representation and assertion shall be liable to be cancelled by injunction from the Lord Chancellor at the demand of any person who may be prejudiced by such flaw in the register. No sale, assignment, bequest, lease, or mortgage of such land by the life-owner, based upon such illegal register, shall have any power to prevent the succeeding heir from coming into full possession of the land on the demise of said life-owner, providing always that said illegal register has not subsisted for a term of twelve years and thereby become an indefeasible title to full right of ownership in the land. (See Chapter III. § 24.)

11. If any specified or possible heir in reversion to land which is in the possession of a life-owner, find on inspection of the registers that said life-

owner has by false representation and assertion procured full registry of the land in his name, he may apply to the Lord Chancellor for an injunction to the registrar of the land office in which the land is registered, directing him to cancel such illegal register and any other registers which may be dependent upon it (see Chapter III. § 18). If the injunction be granted, the said heir in reversion may then apply to the registrar for re-registry of the land in the name of the said life-owner in due form, presenting this injunction as warrant for his application. The applicant shall have legal claim upon the said life-owner for all or any expenses he may have incurred in procuring this injunction.

12. If a life-owner of land have by false representation and assertion procured full registry of the land in his name, which register is cancelled by injunction from the Lord Chancellor, and if he have during the continuance of such false register sold, assigned, leased, or mortgaged the land, the injunction by which this illegal register is cancelled shall at the same time cancel any deed of sale, assignment, or lease of the land, or any mortgage on it made or granted by said life-owner, he, the said life-owner, being responsible for all losses or injuries which may be suffered by others through the annulment of such illegal deeds.

13. If a registered life-owner of land apply for, and do by negligence of the registrar obtain, transfer

of the registry of this land in favour of some other person, association of persons, or institution, this register, although illegal, shall at the expiration of twelve years confer an indefeasible title to right of ownership in said land upon the person, association of persons, or institution in whose favour the said transfer of registry was effected. (See Chapter IV. § 2.)

14. If at any time prior to the expiration of these twelve years any specified or possible heir in reversion to right of ownership in this land apply to and obtain from the Lord Chancellor an injunction cancelling the said illegal transfer of registry, the said heir in reversion shall then make formal application to the registrar to cancel it, annexing the injunction to his application.

15. This cancelling of an illegal transfer of registry shall *ipso facto* cancel all subsequent transfers of registry or re-registers which may be thereon dependent, shall re-establish the life-owner as the legally recognized owner of the land, shall cancel the register of any mortgage or of any lease which may have been registered upon the land during the continuance of the said illegal register or registers, shall render the life-owner liable for all taxes and fines which may be due, and for all expenses which may have been incurred in procuring the aforesaid injunction, and shall render him responsible for all losses or injuries which may be suffered by others in consequence of his

illegal transfer of claim to right of ownership in the said land.

16. If the said life-owner have died before the above injunction is granted, the heir in reversion can, when the injunction is granted, at once claim re-registry in direct succession to the register of the said life-owner deceased.

17. Any person who is in possession of land as tenant-in-tail, and who becomes the registered life-owner thereof, can, if he please, sell the land in order to commute liens or settlements which have been made upon it (see Chapter I. § 7 and § 10); and a special injunction from the Lord Chancellor shall authorize the registrar to admit the transfer of registry applied for in pursuance of this sale. The proceeds of this sale shall invariably be placed in the hands of trustees, who shall apply them in the first place to the liquidation of these liens or settlements, and shall invest the balance in securities, the interest from which they shall pay to the said life-owner until his death, when the trust shall lapse and the said securities shall become the property of the heir in reversion to the land so sold.

18. If any land, held in possession by a tenant-in-tail, be charged with settlements or liens, the said tenant-in-tail, after registry of a claim to right of ownership in the land for lifetime only, may proceed to liquidate these settlements or liens by giving mortgage or mortgages on the land (see Chapter I. §

7, § 10, and § 11), none of which mortgages shall bear interest at less than four per cent. per annum. The life-owner shall then apply to the Lord Chancellor for an injunction to the registrar of the county, district, city, or town, in which the land is situate, to admit this mortgage or these mortgages to register, his inability as life-owner to grant mortgage on land so registered in his name being suspended in each special instance specified in said injunction (see Chapter XIV. § 29). All such mortgages must be registered within one month of the date at which each one is granted, and shall rank equally as liens upon the land in case the land fall into the hands of a liquidator in bankruptcy. (See Chapter XIV. § 17.)

19. If land registered in the name of a life-owner be required for national or public purposes, the amount paid in compensation (see Chapter XX. § 4) shall be placed in the hands of trustees, who shall invest the money in securities, the interest or dividends on which they shall pay to the said life-owner during his lifetime. On his demise the trust shall lapse, and the securities shall become the property of the heir in reversion to the land.

## CHAPTER XXII

### LEASES OF LAND

#### PART I

1. SUBSEQUENT to the 31st day of December, 1899, the registered owner, not being a life-owner, shall be the only person competent to grant a lease of land, which lease may or may not include the house, houses, or buildings, which at date of the lease exist upon the land, or if the land be "waste land," then the registrar of the county in which it is situate shall alone be competent to grant a lease of it. Any document purporting to be a lease and granted by any other person shall be *ipso facto* null and void. Any lease granted by any person after above date, of a house or building, which lease does not include the land on which the said house or building stands, shall be *ipso facto* null and void.

2. Every lease of land or house not situate within the jurisdiction of a district council or of a municipal corporation, shall run for a term of not less than three and of not more than ten years. Any lease for a shorter term than three years or for



a longer term than ten years shall be *ipso facto* null and void.

3. Leases of lands or houses not situate within the jurisdiction of a district council or of a municipal corporation, which leases bear date antecedent to the 1st January, 1900, and which have at that date more than ten years to run, shall expire on the 31st December, 1909.

4. If any lease of land not situate within the jurisdiction of a district council or of a municipal corporation, which lease bears date previous to the 1st January, 1900, and which was granted for a term of not less than twenty-five years, have on the 1st January, 1900, more than ten years to run, the tenant, if he be in actual occupation of the land at that date and have not sub-let it or any portion of it, shall have the right at any time during the four years from the 1st January, 1901, to the 31st December, 1904, inclusive, to purchase the land from the owner thereof by paying in money twenty-five times the annual rental at which he holds the said land, or by granting a mortgage of the first class on the land to same amount, and may claim registry (or re-registry if it be already registered in the name of the owner, and in default of receiving transfer of registry) of the land in his name, but shall forfeit this right if he have not secured registry of the land in his name previous to the 1st January, 1905.

5. The tenant on making application for registry

or re-registration in the usual form shall annex to his application the deed of lease or an attested copy of the said deed, under which he holds the land and in virtue of which he makes this application, and shall be in other respects subject to the regulations stipulated in Chapter XXV. § 7 to § 14, § 16 to § 18, and § 20 to § 23 for the purchase of land by occupying tenants in the Kingdom of Ireland.

6. No lease of land or house situate within the jurisdiction of a district council or of a municipal corporation, shall last for less than three or for more than twenty-five years. Any contract for a longer period, made subsequent to the 1st January, 1900, shall be *ipso facto* null and void. If made for a shorter period than three years, the tenant shall not be held to be a leasehold tenant but simply a tenant at will. (See Chapter XXIV. § 21.)

7. Leases of lands or houses which are situate within the jurisdiction of a district council or of a municipal corporation, which leases bear date antecedent to the 1st January, 1900, and which have at that date more than twenty-five years to run, shall expire on the 31st December, 1924.

8. The holder of any lease of land situate within the jurisdiction of a district council or of a municipal corporation, which lease bears date antecedent to the 1st January, 1900, and has on that day more than twenty-five years to run, shall at any time during the four years from 1st January, 1901, to

the 31st December, 1904, inclusive, have the right to purchase the said land from the owner by paying in money twenty-five times the annual rental at which he holds the said land, or by granting a mortgage of the second class on the said land to the same amount, but shall forfeit this right if it be not enforced previous to the 1st January, 1905. (See § 5.)

9. Every mortgage granted by a tenant in payment for land purchased from the owner in virtue of the provisions of § 4 and § 8 shall bear interest at the rate of four per cent. per annum.

## PART II

10. At the expiration of a lease of land not situate within the jurisdiction of a district council or of a municipal corporation, the owner of the land shall have the right to demand the immediate restitution of the land, only if he have given to the tenant one year's notice of his intention not to renew the lease. (See § 16.)

11. All buildings, fences, trees, etc., and everything movable on land of which the occupation and use is ceded by lease, shall be considered to be the property of the tenant, who shall have the right to sell, or remove them at his pleasure at any time during his occupation of the land, but shall lose this right if they still remain on the land on the

day after the expiration of the lease, when they shall become the property of the registered owner of the land. (See § 16 and Chapter XX. § 2, also Chapter XXIII. § 5 and § 6.)

12. On granting a lease of land, the owner of the land, if he claim as his own and desire to retain the rights of ownership in any buildings, fences, trees, or in any movable property of any kind which may exist upon the land at the time of granting such lease, shall cause an inventory of all such objects to be inserted in the body of the lease, and may at any time during the term of the lease, but not after its expiration, claim compensation from the tenant for any loss he may suffer by wilful damage to or destruction of any article specified in the inventory, for the removal of fences, pulling down of buildings, cutting down of trees, etc., the amount of such loss, in default of private arrangement, being decided by judicial valuation, and being recoverable by ordinary process at law. (See Chapter XXIII. § 4.)

13. The tenant shall not be responsible for any injury which may happen to the property of his landlord, as specified by inventory, which may arise from fires, tempests, or accidents, or from the ordinary effects of use, or from lapse of time.

14. The landlord shall at any time between sunrise and sunset, during the continuance of a lease, have right to inspect, either in person or by

agent or attorney, any such property of his as declared by inventory as may exist upon land the use of which is ceded by lease to a tenant, and shall have the right to repair, or cause to be repaired, any such property which by neglect might suffer injury.

15. If a landowner desire to occupy his land himself at the expiration of a lease, or to then grant lease of it to some other tenant, he shall give notice of such intention to the tenant not less than one year or more than fifteen months previous to the expiration of the lease, which notice may be given verbally in the presence of witnesses, or in writing, in the latter case being substantiated by a written acknowledgment from the tenant. Notice given by the accredited agent of a landlord shall be held to be given by himself.

16. If the landowner neglect to give notice of termination of lease to his tenant during the three months specified, the tenant shall have the right to insist upon a renewal of the lease on the same terms for one year, retaining for this supplementary year all the rights secured to him by the lease (see § 11). The renewal of a lease for one supplementary year shall be equivalent to notice to quit at the end of that year, and at the expiration of this supplementary year of tenancy the landowner can demand immediate restitution of the land, and can claim all buildings, fences, trees, etc., then on the land as his

property, even though they have been built or planted by the late tenant (see Chapter XX. § 2). No second renewal of a lease for one supplementary year shall be legal. If the tenant continue in occupation of the land after the expiration of one supplementary year, with the consent of his landlord and without a fresh lease (see § 2), he shall become a "tenant at will." (See Chapter XXIV.)

17. The tenant shall not be required to give to his landlord any notice of his intention to give up the land at the expiration of his lease.

18. If a tenant retain occupation of his land after expiration of lease by notice, or after expiration of a supplementary year without notice, he shall be liable to the owner for trespass, and for any loss or injury the said owner may suffer by such delay in delivery of the land.

19. Failure by the tenant to pay rent when due shall constitute him a debtor to his landlord, which debt shall be recoverable by ordinary process at law, and shall be in no way considered to be of a different nature from any other debt.

20. The bankruptcy of a tenant shall annul the lease. All buildings, houses, fences, trees, etc., which may exist upon the land at the date of such bankruptcy, and which are not certified by inventory to be the property of the owner of the land, shall be held to form part of the assets of the bankrupt tenant, and reasonable time shall be allowed by the

landlord to the official liquidator for realizing these assets. (See § 19.)

21. Change of ownership in land, either by sale, inheritance, or assignment, shall in no way affect the right of the tenant to continue in occupation of the land for which he holds a lease, until its expiration either by notice or by the extension of one supplementary year, but shall render him liable for payment of rent to the newly registered owner, in accordance with the terms of the lease. If, however, a person coming into possession of land by foreclosure of mortgage or by process at law, finds that the occupation and use of this land has been ceded by the previous owner to a tenant by lease at an annual rental which is no fair consideration for the use of the land, he may apply to a civil court for the cancelling of the lease, on the plea that such inadequate rental gives proof of fraudulent intent on the part of the said previous owner in granting such lease. If the court decree that the lease is null and void on account of such fraudulent intent, the new owner shall be entitled to demand immediate delivery of the land, or delivery after such delay as the court may decree.

22. In like manner, if enclosed land forfeited through any cause (see Chapters XII., XX., and XXVI.) be held in occupation by a leasehold tenant, the sale of the land in public auction shall in no way affect the right of the tenant to continue in

occupation of the land until the expiration of his lease, either by notice from the new owner or by the extension of one supplementary year. If, however, the Chairman of the county council consider the rent paid by the tenant no adequate consideration for the use of the land, he shall apply to a civil court to cancel the lease, on the plea that such inadequate rental gives proof of fraudulent intent on the part of the owner in granting such lease. If the court decree that the lease is null and void on account of such fraudulent intent, the purchaser of the land in public auction shall be placed in full possession of the land either at once or after such delay as the court may decree.

23. If land so forfeited and so held in occupation by a leasehold tenant be unenclosed, and so come by forfeiture under the category of "waste land," the registrar of the county in which the land is situate, if he consider the rent inadequate, shall in like manner apply to a civil court to cancel the lease. At the expiration of such lease of land, the tenant shall not as a tenant of "waste land" have any right to purchase the land, but shall, if he apply for a fresh lease, either at the date of forfeiture (see Chapter XIII. § 21) or during the last year of the lease, have preference over any other applicant at the highest rental proffered.

24. Trustees administering land which is registered in the name of a minor, are prohibited from



granting lease of this land for any time beyond the date at which the said minor shall come of age. Any lease granted after the date at which registry was effected in the name of the minor shall *ipso facto* lapse, if still running at the date at which the said minor comes of age. If after the 31st December, 1899, a lease be granted by trustees in the name of a minor before the land leased is registered in the name of the said minor, the said lease is *ipso facto* null and void. (See Chapter IV. § 10.)

25. The death of a tenant shall not annul a lease, which is and shall be a heritable property, but the heirs of a deceased tenant may throw up the lease if they so please, and shall not be liable for rent for any longer time than they may remain in occupation of the land, always providing that they do not remain in occupation for one year succeeding to the death of the late tenant.

26. The occupation of the land of a deceased tenant by his heirs for one year shall *ipso facto* render them liable for payment of the rent until the expiration of the lease.

27. A tenant at expiration of his lease shall have no claim upon his landlord for unexhausted improvements, such as may result from subsoil ploughing, manuring, and the like, but if he have constructed drains at his own expense he may remove them during his tenancy if the owner of the land or succeeding tenant refuse to buy them,

and the owner of the land shall have no claim upon the tenant for injury to permanent pasture, trees, or plantations which may result from such removal.

28. The owner of the land shall have no claim upon his tenant for any deterioration the land may suffer in consequence of the use he makes of it during his tenancy.

29. The sub-tenants of a tenant shall have no claim whatever upon the owner of the land they occupy for any loss or injury they may suffer through his requiring delivery of the land, he being in no way responsible for any contracts made with others by his tenant, and any buildings or other improvements erected or made on the land by sub-tenants, if not removed during the existence of the lease held by the tenant, shall become at its expiration, either by notice or by lapse of a supplementary year, the property of the owner of the land.

30. The provisions of this Chapter from § 10 to § 23 and from § 25 to § 28 inclusive, shall have no application to any plot of land which is of less area than one statute acre, or which is situate within the jurisdiction of a district council or of a municipal corporation, and shall also have no application to leases which bear date antecedent to the 1st January, 1900, which leases fall in, as per § 3, on or before the 31st December, 1909.

## PART III

31. Every lease of a house situate within the jurisdiction of a district council or of a municipal corporation granted after the 31st December, 1899, shall include lease of the land occupied by said house, and can consequently be granted only by the registered owner of said land. (See § 1 and § 38.)

32. Every tenant occupying a house by lease shall have the right to erect such outbuildings detached from the house as he pleases, and may remove them during his tenancy; but if they remain on the land at the expiration of the lease, they shall become the property of the owner of the land (see Chapter XX. § 2). Any additions or improvements he may make to the house itself shall become at once the property of the landlord, and may not be removed by the tenant without his consent. Furniture and fixtures, if placed in the house by the tenant, are his property, but any damage that may be done to the walls or fittings of the house by their removal shall be held to be dilapidation.

33. The tenant shall not be responsible for any injury to the house which may arise from fires, tempests, or accidents, from the ordinary effects of use, or from lapse of time; but at the termination of the lease the landlord may compel him to make good any wilful dilapidations.

34. If the tenant remain in occupation of the house after termination of the lease, he shall be liable to the owner for trespass and for any loss or injury the said owner may suffer by such unauthorized occupation.

35. Failure by the tenant to pay rent when due shall constitute him a debtor to his landlord, which debt shall be recoverable by ordinary process at law, and shall be in no way considered to be of a different nature from any other debt. The bankruptcy of a tenant shall annul the lease.

36. A lease shall be a heritable property, and the heirs of a deceased tenant shall be liable for the payment of the rent until its expiration.

37. The provisions of § 31 to § 36 shall apply to all leases of land of less area than one statute acre, which are not situate within the jurisdiction of a district council or of a municipal corporation.

38. Leases of houses granted previous to the 1st January, 1900, by persons not the owners of the land on which the houses are built, shall hold good until their expiration. (See § 3 and § 7.)

39. If any registered owner of land situate within the jurisdiction of a district council or of a municipal corporation, or of a plot of land of less area than one statute acre, outside such jurisdiction, give lease of this land to a tenant without specifying houses or buildings then existing upon the land,

any such houses or buildings which may then exist upon the land, as also all which may be erected on the land during the lease, by the tenant, shall be held to be the property of the said tenant, and may be by him removed at any time during the continuance of the lease; but if they remain on the land after expiration of the lease they shall at once become the property of the owner of the land. (See Chapter XX. § 2.)

40. If any leasehold tenant be liable for the payment of tithes which are commuted in accordance with the provisions of Chapter I. § 10, the owner of the land shall be entitled to demand an increase in rent equivalent to the amount of tithe previously paid, but the tenant shall have the option of throwing up his lease.

41. The provisions of § 24 and § 29 shall have equal application to leases of lands situate within the jurisdiction of a district council or of a municipal corporation, and to those of less area than one statute acre not situate within such jurisdiction.

42. The provisions of § 31 to § 39 inclusive shall have no application to leases which bear date antecedent to the 1st January, 1900, which leases lapse, as per § 3 and § 7, on or before the 31st December, 1909 or 1924.

43. Every tenant to whom a lease of land is granted after the 31st December, 1899, shall within three months from the date of this lease, present it

to the registrar of the land office of the county, district, city, or town, within which the land to which it relates is situate for registry. If the lease be not registered within the months specified, the deed shall become *ipso facto* null and void, and the tenant shall be nothing more than a "tenant at will."

44. The register of a lease shall be a precis of the terms thereof inscribed in a "Register of Leases." The registrar shall, on making the register, annotate the fact of this registry on the "Act of Registry" of the land, and upon the deed of lease itself.

45. The registrar shall refuse to register any lease the deed of which is presented to him after the expiration of three months from the date thereof, and also if the lease be granted by some person other than the registered owner of the land leased. Consequently after the said 31st day of December, 1899, no owner of land can give a valid lease of his land, or of any portion of it, or of any house or building thereon existent, unless claim to right of ownership in the said land be already registered in his name.

46. The registrar shall cancel a register of lease and the annotation thereof upon the register sheet of the land leased, whenever proof is given to his satisfaction by the registered owner of the land, that the said lease has fallen in either by lapse of time or from any other cause.

47. A lease of land or house is a saleable and heritable property, and may be either sold, assigned, or devised by the holder thereof, whether he be the original tenant to whom it was granted, or hold it by purchase, assignment, or inheritance. If the ownership of a lease pass by direct transfer from the leaseholder, the transfer shall be effected in the same manner as is established in Chapter XV. for the transfer of a registered ownership of land. If the ownership of a lease pass by the death of the leasehold-tenant, or by other cause, without direct transfer (see § 20), re-registry of the lease shall be applied for by the new holder thereof, in the same manner as is established in Chapter XVII. for the re-registry of the ownership of land which has changed owner otherwise than by direct transfer. If such re-register be not applied for by the new tenant within one year from the date on which he came into occupation of the land or house specified in the lease, the registrar shall reject any application made at a later date, and the tenant shall be nothing more than a "tenant at will." (See Chapter XXIV.)

## CHAPTER XXIII

### THE RIGHTS AND LIABILITIES OF LEASEHOLD TENANTS

1. EVERY person who may by lease acquire the cession for a stated number of years of the right of ownership in land, shall have full power to make what use he please of the land during the term of such cession, so long as he do not by such use inflict injury upon his neighbours, and so long as this use be in no way obnoxious to the public weal. He shall by such lease acquire right of ownership in all buildings, fences, plantations, etc., which may exist upon the land, unless right of ownership be claimed in them by the owner of the land by inventory inserted in the body of the deed of lease (see Chapter XXII. § 11 to § 14). He shall also have the right to shoot or trap any undomesticated animals or birds which may live on or stray on to the land, or to sell or rent such right during his occupation of the land. The leasehold tenant shall have no power to quarry stone on the surface of the land, unless such right be



specially secured to him in the deed of lease; neither shall he have the right to prosecute mining operations beneath the surface of the land, unless it be secured to him by a separate lease, covenant, or contract; neither shall he have the right to sell, assign, lease, devise, or mortgage the land, or any part of it, which rights cannot be ceded by the owner of the land by deed of lease.

2. If a tenant sub-let his land or any part of it, he himself remains responsible to the owner of the land for any wilful damage to or destruction of any of the property of said owner of the land, as specified by inventory (see Chapter XXII. § 12), which may be committed by such sub-tenant or sub-tenants.

3. For any such wilful damage or destruction either by himself, by his servants, or by sub-tenants, the tenant shall at once offer compensation to the owner of the land, or shall be liable to prosecution, and his refusal to pay such indemnity as may be adjudged by legal arbitrament shall *ipso facto* cancel his lease, and shall entitle the owner to resume at once occupation of his land without in any way relieving the tenant from his liability for said indemnity.

4. An owner of land shall have no power to prevent a leasehold tenant to whom he has ceded the use of his land from pulling down or removing any building or fence, or from cutting down or

removing trees, the property of the said owner of the land, if the tenant offer equitable compensation; but during the continuance of the lease, the said owner of the land shall have no power to do the same himself, the use of this his property, equally with the use of the land, being ceded to the tenant until expiration of the lease. In default of private arrangement the amount of the compensation shall be determined by judicial valuation.

5. Every tenant shall be at liberty to erect what buildings or fences he choose upon his land during his tenancy at his own risk. (See Chapter XXII. § 11.)

6. If, on the expiration of a lease, an incoming tenant purchase houses, buildings, trees, or other improvements then existing upon the land, which improvements are the property of the outgoing tenant, the said incoming tenant can alone secure to himself his right of ownership in the said improvements by taking care that the new lease commence immediately on the expiration of the preceding lease; otherwise these improvements will, during any intervening space of time, have become the property of the owner of the land. (See Chapter XX. § 2, and Chapter XXII. § 11.)

7. If a leasehold tenant suffer loss or injury of any kind in consequence of mining operations carried on beneath the surface of his land, he shall have right to compensation from the owner

of the land for any loss or injury he may so suffer. But if no owner of the land have at any time subsequent to the 1st January, 1900, had any interest or right of ownership in these mines or mining operations, then the tenant shall solely have right to compensation from the proprietors of these mines or workings.

8. If the national right of ownership in land held by a leasehold tenant be resumed by Act of Parliament for public purposes, the tenant shall have no claim upon his landlord for loss or injury he may suffer by such resumption, but shall be free from his liability for payment of rent for any land so taken from him. (See Chapter XX. § 4.)

9. The provisions of this chapter shall have no application to any plot of land which is of less area than one statute acre, or which is situate within the jurisdiction of a district council or of a municipal corporation, and shall have no application to tenants whose leases bear date antecedent to the 1st January, 1900, which leases lapse on or before the 31st December, 1909. (See Chapter XXII. § 3.)

## CHAPTER XXIV

### "TENANTS AT WILL"

1. A LEASE of land not situate within the jurisdiction of a district council or of a municipal corporation, is a written and registered contract between the registered owner of the land and a person to whom he cedes the use of the land for a term of not less than three and not more than ten years. Any such contract which bears date subsequent to the 31st December, 1899, and which does or may in any way curtail that full power over and use of the land which is conferred by a lease upon a tenant (see Chapter XXIII. § 1), shall render the lease itself null and void, and shall cause the occupier of land under said contract to be in no sense a leasehold tenant, but merely a "tenant at will."

2. If an owner of land do not desire so to cede his power over the land registered in his name, but at the same time desire to leave the work and risk of cultivating the land to some other person, he can do so by placing this person

in occupation of the land on any terms they may arrange between them, and on consideration of payment of an annual rental during his pleasure, and may reserve to himself any of the rights of ownership which he may not choose to cede to the occupying tenant. Tenants so holding land from the registered owner of the land without the protection and security of a lease, are "tenants at will."

3. Registered owners of land who are not life-owners, and county registrars are the only persons who shall have power to grant valid leases, therefore any tenant placed in occupation of land by any person who is not the registered owner of the land, or if the land be under the category of "waste land," by any person except the registrar of the county in which the land is situate, is and shall be a "tenant at will." All contracts of tenancy which bear date subsequent to the 31st December, 1899, which are not granted either by the registered owner of the land, or by his trustees for him if he be a minor, or by a county registrar, and which give a more secure tenure than that of a "tenant at will," shall be *ipso facto* null and void.

4. All tenants placed in occupation of the land by "life-owners" of the land are "tenants at will."

5. No county registrar shall have power to grant the use and occupation of any "waste land" within his district to a "tenant at will."

6. The provisions of Chapters XXII. and XXIII., concerning leases and leasehold tenants, shall have no application to lands held in occupation by "tenants at will" from the registered owners.

7. Every "tenant at will" shall be held to be a deputy or retainer of his landlord, rendering stipulated service in return for the use of land, and any contract they may make between them, either verbally or by deed, in regard to such mutual obligations, shall not in any sense be held to be a legal contract, but shall be merely a memorandum of agreement subsisting by and during mutual good will.

8. Any person who may cede the occupation and use of land to a "tenant at will," whether he be the registered owner of the land or himself a tenant, does by such cession make over to his tenant right of ownership in all such produce of the land as is not specially retained by him in the memorandum of agreement, he shall have no power to enforce the fulfilment of any contract he may have entered into with such tenant concerning the consideration given in return for the use of the land, and shall have no power to enforce payment of rent. If any such tenant give a promissory note or similar obligation in payment of rent, this note or obligation shall be held to be an illegal document, and as such not recoverable by process at law.

9. If in any "memorandum of agreement" between a landlord and a "tenant at will," a clause be inserted prohibiting the tenant from cultivating any specified plant or plants, or from breeding or rearing any specified live stock, the violation of this clause by the tenant shall render him liable for damages to his landlord for any loss or injury he may suffer in consequence of such violation of their mutual agreement. (See § 18.)

10. Every person who has ceded the occupation and use of land to a "tenant at will" shall be required to give one year's notice to such tenant of intention to resume occupation, and shall not previous to the expiration of this year of notice have any power to enforce restitution of the land.

11. If at the expiration of such year of notice the landlord do not insist upon restitution of the land, but permit the tenant who has been so notified to remain in occupation of the land, he shall have no power to repeat such notice until the said tenant has been for one entire year longer in occupation of the land.

12. No "tenant at will" shall be entitled to continue in occupation of land after expiration of one year's notice from his landlord (see § 10 and § 11), when he shall become liable for trespass if he still remain upon the land.

13. A "tenant at will" shall have power to give

up his land at any time without giving notice to his landlord.

14. The heirs of a "tenant at will" deceased shall be entitled to remain in occupation of the land as his representatives until such date as he, if he had lived, would have been required to yield the occupation of the land.

15. A "tenant at will" who has been placed in occupation of land by the registered owner, shall have no right to claim as his own property any houses, buildings, fences, trees, or any other permanent improvement which he may have effected on the land during his occupation, unless he can show proof before the day on which the registered owner resumes occupation, that he, the said registered owner, has recognized these improvements as the property of the said tenant, and shall have no claim for unexhausted improvements. After resumption of occupation by the registered owner of the land, no claim then made by a late tenant for any improvement effected by him on the land shall hold good. (See Chapter XX. § 2.)

16. All improvements of whatever class effected on land by a sub-tenant, even though they be recognized by his landlord as the property of said sub-tenant, if they yet remain on the land on the day on which the registered owner of the land resumes possession, shall become the property of the said registered owner of the land.



17. A registered owner of land shall be under no obligation to give notice of his intention to resume possession to any sub-tenant, and if such sub-tenant suffer loss or injury through such resumption of possession, he shall have no claim for compensation upon the registered owner of the land, but shall have such claim upon the tenant under whom he has held the land, if said tenant have neglected to give him one year's notice of the intention of the registered owner to resume possession. No right to occupation of the land enjoyed by a sub-tenant shall in any way interfere with the superior right of the registered owner, or with the provisions of Chapter XIII. in regard to "waste lands."

18. Any "tenant at will" who may wilfully damage or destroy any property of his landlord or of the registered owner of the land of which he has the use during his tenancy, shall be responsible to his landlord for any loss or injury he may thus cause him, but said tenant shall be in no way responsible for any deterioration in value such property may suffer by fires, tempests, or accidents, by the ordinary effects of use, or by lapse of time.

19. If land held in occupation by a leasehold tenant come into possession of a life-owner, the said leasehold tenant shall continue in occupation of the land until the termination of the lease

either by notice or by the expiration of one supplementary year without notice. The life-owner having no power to grant a lease of the land, the tenant, if he remain in occupation of the land after expiration of the lease, shall be a "tenant at will" only during the life-time of the said life-owner, but can secure to himself right of ownership in any buildings, fences, trees, etc., he may have erected upon the land during continuance of the lease or which he may erect during his occupation as "tenant at will," by procuring from said life-owner a certificate that these improvements are recognized by him as the property of said tenant. (See § 15.)

20. The preceding clauses of this chapter shall have no application to any plot of land which is of less area than one statute acre, or which is situate within the jurisdiction of a district council or of a municipal corporation, and shall have no application to sub-tenants holding lands from intermediate tenants by leases which bear date antecedent to the 1st January, 1900, and lapse on or before the 31st December, 1909. (See Chapter XXII. § 3.)

21. Tenants in occupation of lands of less area than one statute acre not situate within the jurisdiction of a district council or of a municipal corporation, or of lands or houses situate within such jurisdiction, which tenants hold said lands or houses for terms of less than three years, shall

remain subject to such laws and regulations as are at present in force, save only that failure to pay rent when due shall constitute them debtors to their landlords, which debts shall be recoverable by ordinary process at law, and shall be in no way considered to be of a different nature from any other debt.

## CHAPTER XXV

### TENANT-RIGHT—IRELAND

1. ON the 1st January, 1905, all laws giving a lien upon land to the rent-paying occupant in the kingdom of Ireland, shall lapse and be no more in force.

2. On and after the 1st January, 1901, and until the 31st December, 1904, every occupant of "enclosed land" used for agricultural, horticultural, or grazing purposes in the kingdom of Ireland, which land comprises an area of not less than one statute acre and is not situate within the jurisdiction of a district council or of a municipal corporation, who has paid rent for the use of the land for twelve years, or who has succeeded in occupation of the land by inheritance of "tenant-right," or who has purchased the right of occupation and has occupied the land for five years, shall be entitled to claim right of ownership in the land and to register this claim in his own name. If the land be already registered in another name he shall, in default of receiving "transfer of registry"

from the registered owner, be entitled to demand "re-registry" of claim to right of ownership in the land in his own name. This right shall be contingent upon his purchase of the land from the actual or registered owner by payment of the amount of fifteen times the annual rental at which he has held the land, or by granting to said owner a mortgage of the first class upon the land to the same amount, of fifteen times the said annual rental.

3. This right to purchase land shall be held solely by a tenant who is in personal occupation of the land, paying rent for it either to the actual owner of the land or to an intermediate tenant, but any tenant who has sub-let the land shall have no such right either to purchase the land or to claim registry of it in his name.

4. This right of purchase by an occupying tenant shall, if he hold the land from an intermediate tenant, have power to cancel any lease by which such intermediate tenant may hold the land, in so far as such lease relates to the land so purchased.

5. The actual owner shall have no power to prevent registry of a claim to right of ownership in land by such occupying tenant, and if he have already registered the land in his own name and refuse "transfer of registry," the registrar of the county in which the land is situate, on application by the tenant in due form (see § 8 to § 13), and

after three months' notice of such application to the registered owner by circular and by advertisement, shall re-register the land in the name of the applicant, upon the deposit by him with the registrar, for account of said owner of a deed of mortgage on the land made out in favour of the said owner, to the amount of fifteen times the annual rent which he has paid for the use of the land.

6. Every mortgage granted by a tenant in place of cash payment to the owner of the land he so purchases, shall bear interest at the rate of four per cent. per annum.

7. If upon any land so purchased by an occupying tenant there exist, or be proved to exist during the three years from 1900 to 1902 inclusive (see Chapter I. § 10 and § 11), any lien for which the owner of said land is responsible, or until the 31st December, 1904, any mortgage or mortgages for payment of which the said land is security, the purchasing tenant shall not become in any way responsible for such liens or mortgages, and the land shall, by the fact of such purchase, cease to be any security for the payment of such liens or mortgages, for which the original owner shall continue to be responsible, but only to the amount for which the land is sold by him. If the purchase be effected by the said occupying tenant by granting of mortgage, the previous owner of the land, by making over said mort-

gage to the holder or holders of the aforesaid previous liens or mortgages, shall free himself from all further responsibility concerning them (see Chapter I. § 7, and Chapter XIV. § 7, § 24, and § 25). This re-register or transfer of registry shall consequently cancel the register of any mortgage or mortgages which may have been registered upon the land before the day on which such register or transfer of registry is effected.

8. The form of application for registry or re-registry of a claim to right of ownership in land, by a tenant, shall consist of a written assertion by said tenant of his personal occupation of the land for twelve years, or of his inheritance of tenant-right in it and of present occupation, or of his purchase of "tenant-right" and of occupation for five preceding years, a statement of the annual rental at which he holds the land, and proof that he has paid to the actual owner as purchase money fifteen times the amount of said annual rental, or that he has granted a mortgage on the land to the said owner to the same amount; or in default of such proof, the deposit with the registrar of a deed of mortgage on the land of the same amount in favour of said owner. This assertion and statement shall be signed by the applicant in presence of a Justice of the Peace resident within the county in which the land is situate, who shall certify to the authenticity of the

signature, and shall also certify to the truth of the assertion as known to him by common report. If the land be not already registered in the name of the owner, this application shall have annexed to it a plan of the land drawn up by an authorized surveyor.

9. If the land be already registered and the tenant receive "transfer of registry" from the registered owner, the said owner shall in the deed of transfer acknowledge receipt of the purchase money or of the corresponding deed of mortgage. (See Chapter XV.)

10. If the previous owner, or his agent or attorney for him, appear with the applicant and present a deed of mortgage as aforesaid for registry, or acknowledge either in person or in writing that he have received such deed of mortgage or the amount in money, and when, if the land be not registered, the plan presented receive the approval of the revising surveyor, the registrar shall admit the claim and shall register or re-register the land in the name of the applicant.

11. If no such proof be adduced to the satisfaction of the registrar, of the concurrence of the actual owner, he shall advise him of the application by circular and by advertisement in the local papers, and shall postpone admittance of the application for three months. If at the expiration of these three months the owner have



not shown due cause, by reason of false assertion or statement by the tenant, for refusing to accept the purchase money or the mortgage offered in quittance of his right of ownership in the land, the registrar shall admit the application and shall register or re-register the land in the name of the applicant.

12. If the landowner answer the notification of the registrar by alleging false representation and assertion on the part of the tenant, or allege that he has purchased "tenant-right" from the said tenant, the registrar shall remit both statements to the Justice of the Peace who has certified the application of the tenant, who shall apply to the Chairman of the council of the county in which the land is situate for the formation of a special court to adjudge the case. This court shall consist of three Justices of the Peace resident within the county in which the land is situate, of whom the certifying Justice shall be one, and the award of two of these Justices shall instruct the registrar to admit or to refuse the application.

13. If the landowner answer the notification of the registrar by alleging that the tenant has refused either to pay for the land or to grant mortgage, the registrar shall postpone the application until the tenant have vindicated his claim to register by actual payment or by granting of mortgage.

14. This registry of a claim to right of owner-

ship by a tenant shall bar any claim to right of ownership in the land so registered based upon any antecedent title, which may be brought forward to prove that the landlord to whom the tenant has paid this amount or granted this mortgage was not at the time of this registry the rightful owner of the land. The holder of such title shall have claim solely upon the late landlord, the recipient of the payment as above, for any loss or injury he may suffer by this sale of the land to the tenant. This register of land in the name of an occupying tenant shall in every case constitute an indefeasible title to right of ownership in the land by the new owner.

15. The registrar is prohibited from admitting to register any mortgage on land so registered or re-registered by a tenant, or of which the register has been changed to the name of the tenant by "transfer of registry," with the exception of the mortgage which said tenant may have granted to the previous owner in payment for the land, or from admitting any application for re-registry or transfer of registry of said land, until after the expiration of one year from the date of such register, re-register, or transfer of registry.

16. All buildings, houses, walls, fences, trees, etc., which exist on the land at the date of such registry, re-registry, or transfer of registry by or in favour of an occupying tenant shall, by the fact of

such registry, re-registry, or transfer of registry, become the property of the newly registered owner. (See Chapter XX. § 1 and § 2.)

17. If any arrears of tax or fines be due on land so registered or re-registered in the name of a tenant, the said tenant shall be compelled to pay such arrears in order to procure such registry or re-registry (see Chapter XXVI. § 16), but shall have legal claim upon the previous owner of the land for the amount so expended, and may deduct it from the amount paid as purchase money for the land, or from the amount of the mortgage granted.

18. If, at the expiration of these four years from the 1st January, 1901, to the 31st December, 1904, inclusive, any enclosed land incur forfeiture, as set forth in Chapter XII., through neglect or failure to register, or through neglect to pay tax upon it after registry (see Chapter XXVI.), a tenant who has personally occupied the land since the 1st January, 1900, whether he have or have not a lien upon said land by "tenant-right," shall have the right on payment of two pounds per acre or fraction of an acre to the registrar of the county in which the land is situate, for arrears of tax and fines, to prevent the sale of the land by public auction, and to purchase it from the defaulting owner for fifteen times the annual rent he has paid for the use of it, less the amount of this payment for arrears of tax

and fines, or by granting a mortgage of the first class to a like amount, and may then make application for registry or re-registry of the land in his name (see § 8). If he do not with the application produce proof that the purchase has been effected, the deposit of a deed of mortgage on the land with the registrar, as is set forth in § 5, shall entitle the registrar to grant registry or re-registry as applied for.

19. If any occupying tenant apply for re-registry of claim to right of ownership in the land he occupies in accordance with the provisions of this chapter, which land is registered in the name of a life-owner, the tenant shall be prohibited from purchasing this land by cash payment, but shall pay for it by granting a mortgage of the first class, in which mortgage a special clause shall be inserted to the effect that the mortgage is not redeemable during the lifetime of the said life-owner to whom it is granted, and that possession of this mortgage shall at his death revert to the heir in reversion of the land, and shall then be redeemable at the option of the then registered owner of the land to which it relates. (See Chapter XIV. § 26.)

20. The registrar is prohibited from admitting any such claim for re-registry of land registered in the name of a life-owner until the applicant prove that purchase has been made by granting

of a mortgage of the first class, in which mortgage deed this special clause is inserted. (See Chapter XV. § 12, and Chapter XXI. § 17 and § 18.)

21. If an occupying tenant apply for registry of a claim to right of ownership in the land occupied by him in accordance with the provisions of this chapter, which land yet remains unregistered, and which the registrar finds, on notification to the supposed owner (see § 11), is in possession of a life-owner, the registrar is prohibited from admitting such claim until the occupant prove that the land has been purchased by him by granting of mortgage as specified in § 19. If the said life-owner refuse his concurrence in the sale of the land, the tenant may deposit with the registrar a mortgage deed as specified, when his application for registry shall be admitted.

22. Any person who is a specified or possible heir in reversion to a life-owner of land, shall be entitled to give formal notification to the registrar of the county in which the land so owned is situate, of the fact that said land is in possession of a life-owner, after the receipt of which notification, if the land be not already registered, the registrar is prohibited from admitting to registry any claim to right of ownership in this land made by an occupying tenant, unless the land has been purchased by him by granting of mortgage as specified in § 19 and § 21.

23. The preceding provisions of this chapter, with the exception of § 18, shall apply solely to agricultural, horticultural, and grazing lands, enclosed, of area of not less than one statute acre, situate in the kingdom of Ireland (see partial exception, Chapter XXII. § 5), and which do not lie within the jurisdiction of a district council or of a municipal corporation, and shall lapse and cease to have force after the 31st December, 1904. Occupying tenants applying for registry or re-registry of a claim to right of ownership in land in accordance with the provisions of § 18, may make such application at any time during the year 1905, but shall lose all right to purchase the land unless such application be made by them previous to the 1st January, 1906.

24. If any tenant in occupation of a plot of land of less area than one statute acre, which land is not situate within the jurisdiction of a district council or of a municipal corporation, hold a lien upon this land by "tenant-right," he shall have power to compel the owner of the land to purchase this lien from him, by cash payment, during the three years from 1st January, 1900, to 31st December, 1902, inclusive, the value of said lien being, in default of private arrangement, decided by a Royal Commission *ad hoc*.

25. If this power, vested solely in the occupants of land of less area than one statute acre, to compel

commutation of such lien on said land by "tenant-right," be not enforced during these three years, the occupying tenant shall have no further right to such lien or to compensation for the loss of it. (See Chapter I. § 10 and § 11.)

26. If land in the possession of a life-owner be of less area than one statute acre, any lien on said land held by an occupying tenant by "tenant-right" may be commuted by such life-owner by granting a mortgage of the first class.

27. All purchasers of land under the "Bright clauses" of the Act of 1870 or in virtue of Lord Ashbourne's Act or of the Act of 1891, shall register their claims to right of ownership in such lands in their names, and shall pay tax as established by this law, but the amount of this annual tax if it be paid during the nine months allotted for payment (see Chapter XXVI. § 5 and § 11), shall be deducted from the amount due in that year to Government on account of purchase of said land. The Government lien on the land shall be secured by mortgage in accordance with the terms of purchase.

## CHAPTER XXVI

### FINES

1. EVERY registrar or an accredited deputy shall be in attendance at his office for the registry or re-registry of claims to right of ownership in land, for the transfer of registry of claims, for the registry of mortgages on land and of leases, and for the receipt of tax on land, rent of "waste land," etc., etc., on every working day of the year from 10 A.M. to 3 P.M.

2. The first annual tax on land shall be due, without any exception, on all lands, save such as are exempt from tax (see Chapter XI.), within the jurisdiction of the United Kingdom of Great Britain and Ireland, on the 1st January, 1900.

3. All persons claiming right of ownership in land within the limits of the United Kingdom of Great Britain and Ireland, or in the islands appertaining thereto, may claim registry of their lands at any time during five years succeeding to the 1st January, 1900, but if the lands be unenclosed and be not situate within the jurisdiction of a



district council or of a municipal corporation, then only at any time during two years succeeding to this date. Failure to register, from whatever cause, within the time specified, shall subject such claimants to right of ownership in land to forfeiture of all title to and possession of the land. (See Chapter XII.)

4. No tax can be paid on land until the land be duly surveyed and registered.

5. Payment of the annual tax on lands registered in the names of individuals, or in the designations of associations and institutions, which tax is due in each year on the 1st January, shall be payable at any date previous to the 1st October in that year.

6. Delay in payment of tax beyond the 30th September shall subject the registered owner to fine for such delay in payment.

7. The rents of tenants of "waste land" shall be due on the 1st January in each year of occupancy, and delay on the part of the tenant to pay rent until after the 30th September in that year shall subject him to fine for such delay.

8. The registrar is prohibited from receiving or giving receipt for any sum less than the total amount due by a registered owner of land or by a tenant of "waste land" at the date at which payment is proffered.

9. Fines for delay in payment of tax and on arrears of tax due on lands registered in the

signature, and shall also certify to the truth of the assertion as known to him by common report. If the land be not already registered in the name of the owner, this application shall have annexed to it a plan of the land drawn up by an authorized surveyor.

9. If the land be already registered and the tenant receive "transfer of registry" from the registered owner, the said owner shall in the deed of transfer acknowledge receipt of the purchase money or of the corresponding deed of mortgage. (See Chapter XV.)

10. If the previous owner, or his agent or attorney for him, appear with the applicant and present a deed of mortgage as aforesaid for registry, or acknowledge either in person or in writing that he have received such deed of mortgage or the amount in money, and when, if the land be not registered, the plan presented receive the approval of the revising surveyor, the registrar shall admit the claim and shall register or re-register the land in the name of the applicant.

11. If no such proof be adduced to the satisfaction of the registrar, of the concurrence of the actual owner, he shall advise him of the application by circular and by advertisement in the local papers, and shall postpone admittance of the application for three months. If at the expiration of these three months the owner have

not shown due cause, by reason of false assertion or statement by the tenant, for refusing to accept the purchase money or the mortgage offered in quittance of his right of ownership in the land, the registrar shall admit the application and shall register or re-register the land in the name of the applicant.

12. If the landowner answer the notification of the registrar by alleging false representation and assertion on the part of the tenant, or allege that he has purchased "tenant-right" from the said tenant, the registrar shall remit both statements to the Justice of the Peace who has certified the application of the tenant, who shall apply to the Chairman of the council of the county in which the land is situate for the formation of a special court to adjudge the case. This court shall consist of three Justices of the Peace resident within the county in which the land is situate, of whom the certifying Justice shall be one, and the award of two of these Justices shall instruct the registrar to admit or to refuse the application.

13. If the landowner answer the notification of the registrar by alleging that the tenant has refused either to pay for the land or to grant mortgage, the registrar shall postpone the application until the tenant have vindicated his claim to register by actual payment or by granting of mortgage.

14. This registry of a claim to right of owner-

land" leased in the year 1905 at the rate of two shillings per acre, is :

£	s.	d.	
10	0	0	Rent receivable up to 30th Sept., 1906.
1	0	0	Fine for delay in payment.
11	0	0	Amount receivable up to 31st Dec., 1906.
10	0	0	Rent for year 1907.
21	0	0	Amount receivable up to 30th Sept., 1907.
2	2	0	Fine for delay in payment.
23	2	0	Amount receivable up to 31st Dec., 1907.
10	0	0	Rent for year 1908.
33	2	0	Amount receivable up to 30th Sept., 1908.
3	6	2	Fine for delay in payment.
<u>£36</u>	<u>8</u>	<u>2</u>	Amount receivable up to 31st Dec., 1908.

11. Neglect by a registered owner of land to pay tax for five years in succession shall *ipso facto* cancel his register, right of ownership and possession of the land shall be forfeited, and the land itself shall be denounced as without owner by the registrar in whose books it is registered to the Chairman of the council of the county, or to the mayor or provost of the city or town in which it is situate, and shall be sold by him at public auction, in the manner and with the provisions enacted in Chapter XII. for lands forfeited by failure or neglect to register, with the difference that in this instance no fresh survey and plan shall be requisite. If the land so forfeited be registered in the name of a life-owner, the nett proceeds of the sale shall be placed by the Court of

Chancery in the hands of trustees, who shall invest the same in approved securities, the interest or dividends on which they shall pay to the said life-owner during his or her lifetime, and at his or her demise they shall transfer the said securities to the heir to the said land as established in Chapter XXI.

If the land be unenclosed and be not situate within the jurisdiction of a district council or of a municipal corporation, it shall immediately on the expiration of the five years during which tax has not been paid, come under the category of "waste land," as provided in Chapter XII. for unenclosed lands forfeited by failure or neglect to register, this forfeiture being advertised by the registrar in the local papers. Tenants of "waste land" who neglect to pay rent for three successive years shall *ipso facto* forfeit their leases. (See Chapter XIII. § 19.)

12. The registrar shall when required give receipts for taxes and rents in duplicate or in triplicate, giving all receipts in the name of the registered owner or tenant, no matter by whom the payment is actually made.

13. After the 30th September in every year each registrar shall notify by circular and by advertisement in local papers, all registered owners of land within his district who by neglect to pay tax within the specified nine months have incurred fines for delay in payment, of the fact of such liability. In all such circulars and advertisements

the registrar shall call special attention to any arrears of previous year or years, when such exist.

14. After the 30th September in every year, each registrar shall notify by circular and by advertisement in local papers, all tenants of "waste land" within his district who by neglect to pay rent within the specified nine months have incurred fines for delay in payment, of the fact of such liability, calling special attention to arrears of previous year or years when such exist.

15. If any tenant of "waste land" have during the first three months of any year neglected to pay rent and fines due on two preceding years, and if any registered owner of land have during the first three months of any year neglected to pay tax and fines due on four preceding years, the registrar of the county, district, city or town in which these lands are situate shall issue and publish special circulars and advertisements in the months of July and October, with notice of the forfeiture which will be incurred by non-payment before the close of the year.

16. The registrar is prohibited from granting any re-registry or transfer of registry of, or from admitting to registry any subdivision of registered land, if at the date of application there remain unpaid any arrears of tax and fines due by the registered owner of the land in question. (See § 5 and § 9.) The registrar is also prohibited from

registering any deed of mortgage or lease presented to him for registry if any arrears of tax or fines be due on the land so mortgaged or leased at the date at which the deed is presented to him for registry. (See exceptions, Chapter XIV. § 17 to § 20.)

17. Lands forfeited and sold in public auction by the Chairman of a county council, or by the mayor or provost of any city or town, may be registered or re-registered by the purchaser without immediate payment of the tax for the current year then due. (See Chapter XII. § 4 and § 24.)

## CHAPTER XXVII

### THE ORGANIZATION OF REGISTERS

1. ALL formal applications, attestations, documents, and plans presented to a registrar relating to any land within his district, shall be retained by him, and shall be by him archived in such manner as to be readily available whenever required for inspection. (See exception, Chapter XVII. § 24.)

2. Each register of a claim to right of ownership in land shall occupy a separate page in a book of registry, the pages of which shall be numbered in numerical order, and the number of the page shall be the number of the register inscribed on it. If more than one book be required for one special class of register, each succeeding book shall commence with the number next succeeding to the number of the last page of the previous book.

3. The register itself shall consist of a concise epitome of the application for registry, with a list of all the documents deposited therewith and a statement of the area established by survey, shall



be signed by the registrar and dated on the day on which the application is admitted.

4. Each page of register shall show in a column from top to bottom the amount and date of payment of taxes or rents and fines, leaving lateral space for any annotation which may be requisite.

5. When re-register or transfer of registry is granted, a line shall be drawn across the page of register and a new heading (see § 3) inscribed, which shall consist of a concise epitome of the application, with a list of all documents presented therewith, and notes of any mortgage or lease which may exist registered upon the land, and shall be signed by the registrar and dated on the day on which the application is admitted. When a part of the land is separated from it, a note, also signed by the registrar, shall specify the change in area. (See Chapter XXVI. § 16.)

6. When any such page is filled, this register shall be continued in a supplementary book, until such time as a new set of books be required for this class of register.

7. Registry of leases of "waste lands" shall be kept in like manner.

8. Registry of mortgages and of leases will require books of smaller size, having sufficient space on each page for inscription of the particulars of a mortgage or lease, for re-registers or transfers of registry, and for annotation of payment or fore

closure of mortgage or lapse of lease. Each such register shall occupy a separate page and shall display conspicuously the registered number or numbers of the land or lands to which the mortgage or lease relates.

N.B. For examples of "Acts of Registry" see Appendix.

9. The sets of registers in each county land office shall be eleven in number:

- (a) Register of Government lands.
- (b) Register of common lands.
- (c) Register of lands occupied by districts.
- (d) Register of lands occupied by municipal corporations.
- (e) Register of lands occupied by railway and canal companies, and by docks and harbours.
- (f) Register of lands claimed by associations or institutions.
- (g) Register of lands claimed by individuals, enclosed.
- (h) Register of lands claimed by individuals, unenclosed.
- (i) Register of leases.
- (j) Register of leases of "waste land."
- (k) Register of mortgages.

District and municipal land offices will require seven sets of registers only, Nos. *c*, *d*, *h* and *j* of the above list being omitted.

10. Each of these books shall be accompanied

by a double index, showing in alphabetical order the names of the registered owners and of designations of lands.

11. No entries shall be made in these books during office hours, when they shall be open for public inspection.

12. After expiration of the year 1900, maps of each county shall be drawn up by the revising surveyor of that county, from the plans deposited with the registrar, which maps shall show the boundary lines of each district governed by a local council and of each municipal corporation; the boundary lines of all Government properties and of common lands; the boundary lines of all lands claimed by individuals, associations and institutions, and the lines of all public roads, railways, and canals. Each section as marked shall also bear its registered number. After expiration of the year 1902, these maps shall also show the position and extent of all "waste lands."

13. After expiration of the year 1900, maps of each district shall be drawn up by the revising surveyor of the district land office to which it appertains, from the plans deposited with the registrar, showing the boundary lines and registered numbers of each property registered in said district.

14. After expiration of the year 1900, the municipal surveyor of each city or town governed by a municipal corporation shall draw up a map

from the plans deposited with the registrar of the municipal land office, showing the boundary lines and registered numbers of each property registered in the said land office.

15. These maps shall not be encumbered with any unnecessary details, and shall be from time to time reproduced as properties change hands and as tenants take up allotments of "waste land," and shall be conspicuously displayed for inspection at the land office of the county, city, or town to which they appertain.

16. The sale of copies of these maps shall be a perquisite of the revising or municipal surveyor.

17. After expiration of the year 1925, every registered owner of land may demand delivery of all or any archived documents relating to his land which have remained archived for more than twenty-five years.

18. After expiration of the year 1930, all archived documents which have remained in deposit in any land office for more than thirty years shall be burned by the registrar at the time of each annual inspection, in presence of the Government inspector and of two Justices of the Peace resident within the county, city, or town comprehended in the jurisdiction of this land office, who shall certify that no document dating back less than thirty years is so destroyed.

19. If any plan deposited with a registrar

be superseded by a later plan (see Chapter XVII. § 6, and § 31 to § 35), this original plan shall, after the expiration of twelve years from the day on which the new plan was accepted by the registrar, be delivered by him to the registered owner of the land, if claimed by him; if it be not claimed by the said registered owner, it shall be burned by the registrar at the time of the next annual inspection, in presence of the Government inspector and of two Justices of the Peace.

20. Every surveyor's report on and description of a survey shall be archived with the plan to which it relates, and shall not be delivered or destroyed by the registrar with other documents relating to the land (see § 17 and § 18), but shall with the plan remain archived until said plan be superseded by some posterior survey. (See § 19.)

## CHAPTER XXVIII

### INSPECTION OF BOOKS AND ARCHIVES

1. ALL books of registry shall be open for inspection at each land office by any applicant, on every working day during office hours, on payment of a fee of one shilling.

2. No one inspection shall last for more than one hour, and the applicant shall have full liberty to take notes or copy anything he chooses, the use of ink being prohibited.

3. Any registered owner of land, or his agent or attorney for him, or any one presenting a written order from him to that effect within one month from the date of such order, may apply on any working day during office hours to the registrar, for leave to inspect all or any archived documents or plans relating to his land. If the registrar have personal knowledge of the applicant, or receive proof sufficient that he is the said registered owner, or the agent or attorney of said owner, or that the order bear the signature of said owner, he shall grant the application on payment of a fee of one

shilling. Such inspection may not last more than one hour, during which time the applicant may take what notes or copy what documents he please, the use of ink being prohibited.

4. Any person may inspect all documents and plans relating to any plot of land which are archived in any land office, and may take what notes and copies he please, on presentation to the registrar of said office of a special judicial order to that effect, which order must in this, and in every analogous case, emanate from a court competent to decide in questions of disputed ownership of landed estate. Such inspection can only be made during office hours, and may not last longer than one hour. The registrar shall charge a fee of one shilling for each set of documents so inspected, the use of ink being prohibited during the inspection.

5. No inspection of books or documents shall be permitted, except in the presence of the registrar or of an assistant.

6. No fee shall be charged for the inspection of maps displayed in the office.

## CHAPTER XXIX

### ATTESTED COPIES OF ARCHIVED DOCUMENTS AND PLANS

1. No book of registry can be removed from any land office on any pretext.

2. No archived documents or plans can be removed from any land office, save only on a judicial requisition for their presentation in court as evidence (see Chapter XXVIII. § 4), which requisition shall be retained by the registrar, together with a receipted list of all documents or plans delivered for his security, and all such documents and plans shall be returned within seven days.

3. The registrar may be required at any time by judicial order (see Chapter XXVIII. § 4) to furnish attested copies of any registers or of any documents or plans deposited with him, and shall charge for each such attestation a fee of twenty shillings, in addition to one shilling for each page of copy, and of twenty shillings for each plan, which fees shall be paid by the person presenting the order.



4. Any registered owner of land may demand from the registrar, without judicial order, attested copies of all or any documents and plans in his keeping which relate to the land registered in the name of the applicant, paying fees as established in § 3.

5. Any registered tenant of "waste land" may demand from the registrar, without judicial order, attested copies of all or any documents and plans in his keeping which relate to the land rented by the applicant, paying fees as established in § 3.

6. The registrar is prohibited from giving copies, either attested or unattested, of any documents or plans in his keeping, save by judicial order (see Chapter XXVIII. § 4), or on demand from the registered owner of the land to which they relate; or on demand from a tenant of "waste land."

7. The work of copying documents and plans shall be entrusted by the registrar to any one whom he may choose to appoint, and shall not form part of the salaried work of any assistant. All such copies must be made or drafted within the precincts of the land office to which the documents or plans so copied or drafted appertain, and in presence of the registrar or of an assistant.

## CHAPTER XXX

### COPIES OF REGISTERS

1. ANY registered owner of land may at any time demand from the registrar of the office in which his land is registered, an attested copy of the "Act of Registry" of his land, and of any preceding "Acts of Registry" on which his title may be in any way dependent. For each such attested copy the registrar shall charge a fee of twenty shillings.

2. Any tenant of "waste land" may at any time demand from the registrar of the county in which the land is situate, an attested copy of the "Act of Registry" of his lease. For each such attested copy the registrar shall charge a fee of five shillings.

3. Any holder of a registered mortgage may at any time demand from the registrar of the office in which the land to which the mortgage relates is registered, an attested copy of the "Act of Registry" of such mortgage. For each such attested copy the registrar shall charge a fee of twenty shillings.

4. Any person who for any judicial purpose may require an attested copy of any "Act of Registry"

in the books of any land office may apply for a special judicial order (see Chapter XXVIII. § 4) to that effect, paying fees as above established. Without presentation of such judicial order the registrar is prohibited from giving copy, attested or unattested, of any "Act of Registry" in his books to any one, save only to the persons specified in § 1, § 2, and § 3.

## CHAPTER XXXI

### OFFICIAL INSPECTION

1. A THOROUGH scrutiny of the books and archives of every land office shall be made at least once every year by inspectors appointed by Government, who shall return a special report on each office visited.

2. It shall form part of the duties of these inspectors to see that the whole of the land in each county is duly registered or marked out as "waste land," that new enclosures of land are duly registered, that "waste lands" are not held in permanent occupation by any who are not duly accepted tenants, that no encroachments are made on "common lands," that all lands situate within the jurisdiction of a district council or of a municipal corporation are duly registered in the offices thereto appertaining, and that arrears of tax, rents, and fines are not suffered to go beyond the limits specified.

3. The accounts of each county and district land office shall be audited once a year by auditors specially appointed by the council of the county

to which they appertain. The accounts of each municipal land office shall be audited once a year by auditors specially appointed by the municipal authorities.

4. All the expenses incident to the inspection and supervision of land offices by Government shall be defrayed in the first instance by Government, but shall be refunded by an annual *pro rata* contribution paid by each land office.

## APPENDIX

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### EXAMPLES OF ACTS OF REGISTRY

1. ORIGINAL register of a farm. Re-register by the widow on the death of the owner. Annotation of reduction of area, a section being detached for sale.

2. Re-register of above section detached. Transfer of registry to purchaser of said section. Annotation of mortgage registered thereon. Re-register by purchaser of land after sale by liquidator in bankruptcy.

3. Original register of a country house. Note of judicial decree declaring this register an indefeasible title. Re-register by a son of the deceased owner who has purchased the rights of his brothers and sisters.

4. Original register by procuration of city property in possession of a tenant-in-tail. Annotation of the purchase of a part of this land by a leasehold tenant. Re-register by procuration of the remaining area in name of the heir of the tenant-in-tail deceased.

5. Re-register of section detached from above property. Annotation of mortgage registered on this land. Transfer of registry to purchaser of the land. Annotation of the repayment of above mortgage.

Each register also shows the tax account and incidence of fines incurred.

N.B. Each revising and municipal surveyor should as a preliminary to registration mark out his district into sections, and allot a certain range of register numbers to each section, in order to facilitate reference to the maps made up when the registration is complete.

247

ORIGINAL REGISTER.—JOHN EDWARD SIMS claims right of ownership in the land known as Ingleside Farm, situate about two miles to the South-east of the town of Chorley, which he inherited in the year 1876 from his father, the late John Sims. Area as @ plan, 135 acres. Documents archived : Formal application for registry and plan of land.

Land Office of the County of Lancashire, 23rd May, 1900.

JAMES T. RAMSAY, Registrar.

1st Jan., 1900. Tax £27 0 Paid 25th Sept., 1900.

1st Jan., 1901. " £27 0

1st Oct., 1901. Fine 2 14

1st Jan., 1902. Tax 27 0

£56 14 Paid 14th March, 1902.

RE-REGISTER.—AMELIA SIMS claim right of ownership in this land, as sole heiress and executrix of the above John Edward Sims. Documents archived : Copy of Probate of Will of deceased, and formal application for re-registry.

Land Office of the County of Lancashire, 20th March, 1902.

ARTHUR COLQUHOUN, Dep. Registrar.

1st Jan., 1903. Tax £27 Paid 25th Sept., 1903.

1st " 1904. " £27 Paid 30th Sept., 1904.

1st " 1905. " £27 Paid 25th May, 1905.

1st Jan., 1906. Tax £26 4 Paid 27th Aug., 1906.

1st " 1907. " £26 4 Paid 15th Sept., 1907.

Mrs. AMELIA SIMS has this day presented a plan of a section of this land, for which she requires separate registry, said section, having an area of 4 acres, 2 roods, and 20 perches, is accordingly this day registered under No. 597. Reduced area of land, 130 acres, 1 rood, 20 perches.

Land Office of the County of Lancashire, 25th May, 1905.

JAMES T. RAMSAY, Registrar.



RE-REGISTER.—AMELIA SIMS, registered owner of land No. 247, requires separate registry for a section of this land. Area as  $\frac{1}{2}$  plan = 4 acres, 2 rods, and 20 perches. Documents archived: Plan of the land, and formal application for re-registry.

Land Office of the County of Lancashire, 25th May, 1905.  
JAMES T. RAMSAY, *Registrar*.

TRANSFER OF REGISTRY.—AMELIA SIMS applies for the transfer of this Register to WILLIAM REEVES, to whom she has sold the land. Document archived: Formal application for transfer of registry.

Land Office of the County of Lancashire, 25th May, 1905.  
JAMES T. RAMSAY, *Registrar*.

1st Jan., 1906.	Tax, £1	0	0
1st Oct., 1906.	Fine,	0	4
1st Jan., 1907.	Tax,	1	0
1st Oct., 1907.	Fine,	0	8
1st Jan., 1908.	Tax,	1	0
	£3	12	10

Paid 20th April, 1908.

HENRY WOODWARD has this day registered Mortgage No. 4221 for the sum of £1500, on this land and on buildings thereon existent, granted to him by William Reeves.

Land Office of the County of Lancashire, 18th May, 1908.  
ARTHUR COLQUHOUN, *Dep. Registrar*.

1st Jan., 1909.	Tax, £1	0
1st Oct., 1909.	Fine,	0
1st Jan., 1910.	Tax,	1
	£2	4

Paid 15th August, 1910.

RE-REGISTER.—AMBROSE PENTLAND claims right of ownership in this land purchased by him in public Auction of the estate of William Reeves, bankrupt. The above mortgage is cancelled by this sale. Documents archived: Formal application for re-registry, certificate of sale by liquidator of above bankrupt estate, and mortgage deed No. 4221 duly cancelled.

Land Office of the County of Lancashire, 15th August, 1910.  
JAMES T. RAMSAY, *Registrar*.

## 420

**ORIGINAL REGISTER.**—JAMES TREGARTHEN claims right of ownership in land lying on the West side of the main road to Sidmouth, and within the district of East Budleigh. The said land is occupied by a dwelling-house known as Tregarthen Hall, by various gardens, fields, and detached buildings thereto belonging, and by a row of six cottages fronting on to the main road. The land was purchased by him in the year 1864, and comprises an area of 6 acres, 2 roods, and 10 perches, as § plan presented. Documents archived : Plan and description of the land and formal application for registry.

District Land Office of the County of Devon, 4th June, 1901.

OWEN FREMANTLE, *Registrar*.

1st Jan., 1900.	Tax £13 10			
1st Oct., 1900.	Fine 1 7			
1st Jan., 1901.	Tax 13 10	£28 7	Paid	4th June, 1901.
1st Jan., 1902.	Tax £13 10		Paid	24th Feb., 1902.
1st „ 1903.	„ £13 10		Paid	24th Sept., 1903.
1st „ 1904.	„ £13 10		Paid	2nd June, 1904.

**NOTE.**—JAMES TREGARTHEN has this day presented and archived a judicial decree, declaring this register an indefeasible title to the land specified in the plan archived therewith.

District Land Office of the County of Devon,  
24th Feb., 1902.

OWEN FREMANTLE, *Registrar*.

**RE-REGISTER.**—EDWIN TREGARTHEN claims right of ownership in this land, having inherited one-fifth from his father, the late James Tregarthen, who died intestate, and having purchased their rights from the remaining children of the deceased. Documents archived : Formal application for re-registry ; four transfers of right to re-register from James and Edward Tregarthen, from Ursula Beckwith, and from Harriet K. Bodford, children of the late registered owner ; copy of the certificate of the death of the late registered owner ; and certificate from James F. Baker, administrator of the estate of the said deceased.

District Land Office of the County of Devon, 24th July, 1904.

OWEN FREMANTLE, *Registrar*.

1st Jan., 1905.	Tax £13 10	Paid	15th Sept., 1905.
1st „ 1906.	„ £13 10	Paid	18th Sept., 1906.

8510

ORIGINAL REGISTER.—JOHN SOAMES, on behalf of WILFRED LYONS, claims right of ownership for lifetime only in the land occupied by four houses, Nos. 14, 16, 18, and 20, Abchurch Street, Strand, which land he holds as tenant-in-tail under a deed of settlement. Area of the land as  $\frac{1}{2}$  plan presented 1680 square yards. Documents archived: Formal application for registry, special power of attorney granted by Wilfred Lyons to John Soames, and plan of the land.

Land Office of the County of London, 18th March, 1900.

RICHARD PARKINSON, *Registrar*.

1st Jan., 1900. Tax £10 Paid 18th March, 1900.

1st " 1901. " £10 Paid 14th June, 1901.

EVAN WILMOT presents a deed of lease of, and a plan of the land occupied by two of the above houses, Nos. 18 and 20, which land he took on the 15th September, 1857, on a lease of 99 years, at a rental of £120  $\frac{1}{2}$  annum, and having given a mortgage of the second class to the above Wilfred Lyons for the amount of £3000, bearing interest at 4 %  $\frac{1}{2}$  annum, on the said land and houses, applies for re-registry thereof in his name. The said plan shows an area of 880 square yards. The area of land comprised in this register is consequently reduced to 800 yards, and re-registry of the section detached is made under No. 8647.

Land Office of the County of London, 14th June, 1901.

RICHARD PARKINSON, *Registrar*.

1st Jan., 1902. Tax £5. Paid 19th April, 1902.

RE-REGISTER.—JOHN SOAMES, on behalf of HENRY JAMES LYONS, claims full right of ownership in this land, as heir-in-tail of the late life-owner. Documents archived: Formal application for re-registry, attested copy of deed of settlement under which the claim is made, copy of certificate of the death of the late Wilfred Lyons, and special power of attorney granted by Henry James Lyons to John Soames.

Land Office of the County of London, 21st April, 1902.

RICHARD PARKINSON, *Registrar*.

1st Jan., 1903. Tax £5 Paid 25th Sept., 1903.

8647

RE-REGISTER.—EVAN WILMOT claims right of ownership in the land occupied by two houses, Nos. 18 and 20, Abchurch Street, Strand, which land he has purchased from Wilfred Lyons, the life-owner thereof, registered under No. 8510, by giving him a mortgage of the second class on the land and on the houses existing thereon, to the amount of £3000, he having occupied the land as tenant of the said Wilfred Lyons since the 15th September, 1857, on a lease of 99 years, at a rental of £120  $\text{\pounds}$  annum. Area of the land as  $\text{\textit{p}}$  plan presented = 880 square yards. Documents archived: Formal application for re-register, a deed of lease dated 15th September, 1857, and plan of the land.

Land Office of the County of London, 14th June, 1901.

RICHARD PARKINSON, *Registrar*.

JOHN SOAMES has this day registered Mortgage No. 4783, for the sum of £3000, on this land, granted by Evan Wilmot to Wilfred Lyons.

Land Office of the County of London, 14th June, 1901.

RICHARD PARKINSON, *Registrar*.

TRANSFER OF REGISTRY.—EVAN WILMOT applies for transfer of this Register to ABRAHAM ROBINSON, to whom he has sold the land. Documents archived: Formal application for transfer of registry, and acknowledgment of notice of sale from John Soames.

N.B.—Mortgage No. 4783, for the sum of £3000, is registered upon this land.

Land Office of the County of London, 18th March, 1903.

RICHARD PARKINSON, *Registrar*.

ABRAHAM ROBINSON has this day archived the deed of mortgage registered as No. 4783, which deed has been cancelled by Henry James Lyons, who inherited the mortgage from Wilfred Lyons, the original mortgagee. The said register of Mortgage No. 4783 is accordingly cancelled.

Land Office of the County of London, 18th April, 1905.

RICHARD PARKINSON, *Registrar*.

1st Jan., 1904. Tax £5  
1st Oct., 1904. Fine 1  
1st Jan., 1905. Tax 5

£11 Paid 18th April, 1905.

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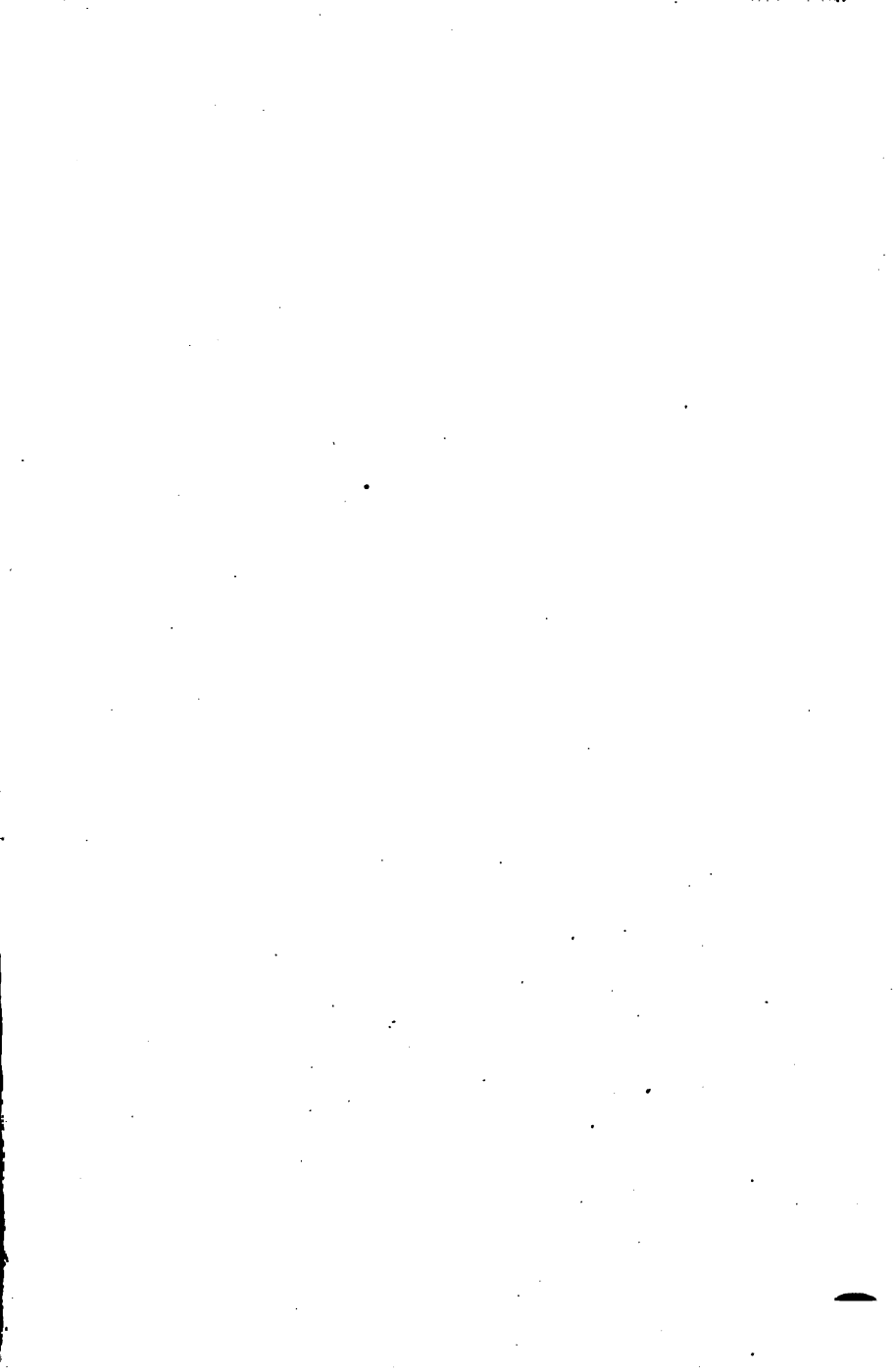
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